

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

HOUSE

Tuesday, April 8, 1941.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. McGarvey of Waterville.

Journal of the previous session read and approved.

Senate Reports**Ought to Pass in New Draft**

Report of the Committee on Judiciary on Bill "An Act relating to Commitment of Feeble-Minded Juvenile Delinquents" (S. P. 351) (L. D. 667) reported same in a new draft (S. P. 534) (L. D. 1097) under same title and that it "Ought to pass"

Report of same Committee reporting same on Bill "An Act relating to Surety Bonds" (S. P. 91) (L. D. 94) reporting same in a new draft (S. P. 535) (L. D. 1098) under same title and that it "Ought to pass"

Came from the Senate the Reports accepted and the Bills passed to be engrossed.

In the House, Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

Report Tabled

From the Senate:

Report of the Committee on Judiciary on Bill "An Act Amending the Financial Responsibility Law" (S. P. 467) (L. D. 962) reporting same in a new draft (S. P. 531) (L. D. 1094) under same title and that it "Ought to pass"

Came from the Senate and Report accepted and the Bill passed to be engrossed.

In the House, Report was read and accepted in concurrence and the Bill had its first reading.

(On motion by Mr. Welch of Chapman, tabled pending second reading)

Report Tabled

From the Senate:

Report of the Committee on Maine Publicity on Bill "An Act relating to Automobile Junk Yards" (S. P. 359) (L. D. 820) reporting same in a new draft (S. P. 539) (L. D. 1117) under same title and that it "Ought to pass"

Came from the Senate the Report

accepted and the Bill passed to be engrossed.

In the House, on motion by Mr. Holman of Dixfield, tabled pending acceptance of Committee Report.

Ought to Pass in New Draft (Continued)

Report of the Committee on Motor Vehicles on Bill "An Act relating to Reserved Number Plates" (S. P. 451) (L. D. 900) reporting same in a new draft (S. P. 536) (L. D. 1099) under same title and that it "Ought to pass"

Came from the Senate the Report accepted and the Bill passed to be engrossed.

In the House, Report was read and accepted in concurrence, and the Bill was read twice and tomorrow assigned.

Report Tabled

From the Senate:

Report of the Committee on Public Health on Bill "An Act providing State Services for the Blind" (S. P. 328) (L. D. 954) reporting same in a new draft (S. P. 540) (L. D. 1115) under same title and that it "Ought to pass"

Came from the Senate the Report accepted and the Bill passed to be engrossed.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker and Ladies and Gentlemen of the House: I feel that it is my duty to just explain the situation in regard to the committee report.

This carries the need of an added appropriation of \$5,000 for each of the two years.

Now, it happened that the Appropriations Committee, in session, against the desire of the Health and Welfare Department to give an increase in aid to the blind of \$20,000, did set up an added appropriation of \$15,000. I am wondering if the \$15,000 additional appropriation could not care for this situation?

If this bill is passed, I would expect you would understand that you will receive a supplemental bill, carrying an added \$5,000 for each of the two years.

In the meantime, I think it would be wise that this matter be laid on the table, until I talk with the committee about it.

Therefore, I ask that this be tabled.

The SPEAKER: The gentleman from Calais, Mr. Murchie, moves that this report, and accompanying bill, lie on the table, pending acceptance of the report. Is this the pleasure of the House?

Thereupon, the motion prevailed, and the report, together with the bill, was tabled pending acceptance in concurrence.

Report of the Committee on Sea and Shore Fisheries on Bill "An Act pertaining to the Regulation of Smelt Fishing" (S. P. 413) (L. D. 647) reporting same in a new draft (S. P. 541) (L. D. 1116) under same title and that it "Ought to pass"

Came from the Senate the Report accepted and the Bill passed to be engrossed.

In the House, Report was read and accepted in concurrence, and the Bill was read twice and tomorrow assigned.

Ought to Pass

Report of the Committee on Pensions reporting "Ought to pass" on Resolve to Repeal a Resolve Providing for a State Pension for Mary Kane (S. P. 469) (L. D. 1101)

Report of same Committee reporting same on Resolve to Repeal a Resolve providing for a State Pension for Lot Edmund Whitman (S. P. 405) (L. D. 1100)

Report of same Committee reporting same on Resolve to Repeal a Resolve providing for a State Pension for Amelia Rittal (S. P. 404) (L. D. 1102)

Report of same Committee reporting same on Resolve to Repeal a Resolve providing for a State Pension for Johanna T. Kelleher (S. P. 403) (L. D. 1103)

Report of same Committee reporting same on Resolve to Repeal a Resolve providing for a State Pension for Mary A. Moulton (S. P. 402) (L. D. 1104)

Report of same Committee reporting same on Resolve to Repeal a Resolve providing for a State Pension for Bessie King (S. P. 401) (L. D. 1105)

Came from the Senate the Reports accepted and the Resolves passed to be engrossed.

In the House, Reports were read and accepted in concurrence, the Resolves were read once, and tomorrow assigned.

Ought not to Pass

Report of the Committee on Ways and Bridges reporting "Ought not to pass" on Resolve proposing an Amendment to the Constitution providing for an Issue of Highway Bonds, and Preventing the use of Funds Derived from Motor Vehicles Taxation on Other than Highway and Bridge Purposes (S. P. 179) (L. D. 215)

Came from the Senate, read and accepted.

In the House, was read and accepted in concurrence.

Final Reports

Final Reports of the Committee on Maine Publicity.

Final Report of the Committee on State School for Boys, State School for Girls, and State Reformatories.

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

Non-Concurrent Matter

From the Senate:

Report of the Committee on Claims reporting "Ought not to pass" on Resolve to reimburse the town of Washington for Support of Certain State Paupers (H. P. 42) which was recommitted to the Committee on Claims in the House on April 5th.

Came from the Senate, accepted in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Warren, Mr. Starrett:

Mr. STARRETT: Mr. Speaker and Members of the House: Realizing that I got this bill recommitted too late, I now move, Mr. Speaker, that the House recede from its former action and concur with the Senate.

The SPEAKER: The gentleman from Warren, Mr. Starrett, moves that the House recede from its action whereby it recommitted this bill to the Committee on Claims and concur with the Senate in the acceptance of the "Ought not to pass" report. Is this the pleasure of the House.

The motion prevailed.

Senate Insisting—Conference Asked

From the Senate:

Bill "An Act to Provide Better Government for the town of Bar Harbor" (H. P. 645) (L. D. 281)

which was passed to be engrossed in the House on April 5th without Amendment in non-concurrence.

Came from the Senate with that body insisting on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A", and asking for a Committee on Conference, and with the following Conferees appointed on its part:

Messrs. HODGKINS of Hancock
SANBORN of Cumberland
DOW of Oxford

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. McLeod.

Mr. MacLEOD: Mr. Speaker, I move that the House insist on its former action and join in a Committee of Conference.

The SPEAKER: The gentleman from Bar Harbor, Mr. McLeod, moves that the House insist on its former action and join in a Committee of Conference. Is this the pleasure of the House?

The motion prevailed, and the Chair appointed as Conferees on the part of the House:

Messrs. MacLEOD of Bar Harbor
SHESONG of Portland
HANOLD of Standish

Senate Insisting—Conference Asked

Bill "An Act relating to Mileage of State Employees" (S. P. 512) (L. D. 1036) which was indefinitely postponed in the House on April 5th in non-concurrence.

Came from the Senate with that body insisting on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A", and asking for a Committee of Conference and with the following Conferees appointed on its part:

Messrs. FARRIS of Kennebec
STILPHEN of Lincoln
EMERY of Hancock

In the House:

The SPEAKER: The Chair recognizes the gentleman from North Haven, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker and Members of this House: I move that this House recede from its former action on this bill and concur with the Senate in accepting the report of the Committee "Ought to pass" with Senate Amendment "A".

Over a month ago, I tabled a bill

increasing to 5c mileage paid to Certified Seed Potato Inspectors in Aroostook County. I did this because I thought these two bills should go along together. The former bill was finally passed and I think this one should be.

Proponents of the former bill state that cars driven in Aroostook County encounter poorer roads, more difficult weather, and greater distances than those travelling in other parts of the State. I would like to call to your attention how many miles all our State agencies drive in Aroostook County—our Potato Shipping Point Inspectors—our Health and Welfare Workers—and our State Highway Officers and Insurance Investigators—Boiler Inspectors—for instance. I can't see any reason why these people should be penalized any more than our Seed Potato Inspector. An astonishing amount of the total car mileages goes to Aroostook—and a goodly part of it in the winter, too.

Figures from our State garage where cars are bought at a substantial discount—where gasoline used is tax free—where insurance is bought in blanket form at greatly reduced rates—where there is no excise tax or registration fee, and where accessories as well as labor cost is at a minimum—the cost of operating cars is estimated at 3.8 cents per mile. How can private car owners—paying their legitimate part of taxes, buying everything at retail rates—expect to operate even for part of the year at anything less than four cents per mile?

If it costs 3.8 cents per mile to own a State car, how can a private car owner drive his car at even 4 cents—which is only .2 of a cent per mile more?

I believe—and so do you—that no State worker should drive his car for the State at a profit to himself. But I know that you will also agree with me that no State worker should take a personal financial loss from driving that car.

If you were a State employee driving perhaps 20,000 miles a year—and some of them do drive as much as 35,000 a year—would you be as conscientious and thorough in your work when after the first 7,000 miles you were paying part of your travel bills yourself?

Investigation into many of our State Departments shows that at the present time most of their em-

ployees are getting but 3 cents per mile and will be from now until July first. It was my original plan to try to put an emergency clause on this bill for that reason.

I approve of the Certified Seed Potato Inspectors getting 5 cents per mile, but I do believe that the present mileage scale shows too much discrimination against other State workers.

Mr. Speaker, I move to recede and concur.

The SPEAKER: The question before the House is on the motion of the gentleman from North Haven, Mr. Crockett, that the House recede from its action whereby it indefinitely postponed this bill, and concur with the Senate in the passage of this bill to be engrossed, as amended by Senate Amendment "A".

The Chair recognizes the gentleman from Thomaston, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: I still rise on the matter of economy.

We still have \$38,000 to find, if this thing goes through.

I think I gave the facts that cars can be run for three cents a mile, and anything over three cents a mile would absolutely be a raise in pay, to those inspectors who run those cars.

I know, because I run my car at three cents a mile.

I hope that the motion to recede does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. McGillicuddy.

Mr. MCGILLICUDDY: Mr. Speaker, I realize it is very difficult to meet an argument which is based upon the state pocket-book.

However, the Committee held a good, fair hearing, and came out with what they felt was a fair compromise on the proposition. They came out with this five cents a mile up to 7,000 miles, and from 7,000 miles, four cents a mile.

That was after very due consideration on the part of the committee. They felt that was fair. I think the State can absorb that part.

I therefore hope that the motion of the gentleman from North Haven, Mr. Crockett has a passage.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. McGlaulin.

Mr. MCGLAULIN: I just want to

say that I know something about those roads in Aroostook.

I think the argument of the gentleman from North Haven, Mr. Crockett, is sound. I think they ought to have that extra mileage.

I am for the motion of the gentleman from North Haven (Mr. Crockett).

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Brewer.

Mr. BREWER: Mr. Speaker, as a Member of the Salaries and Fees Committee, I would like to explain to the Members of the House whereby the bill authorizing five cents a mile for Certified Inspectors went through with the Committee's recommendation of "Ought to Pass."

In the beginning, we,—and I am a certified seed grower—have a unique set-up. I know of nothing like it in the State. That is, we pay so much into a fund from which, after all expenses are paid, anything left over is rebated back to us who participated in the program.

I will say that almost without exception every grower of certified seed potatoes felt that those inspectors should have five cents a mile, because their work is much different from table stock potatoes. In the summer time, when the table stock inspectors are not working at inspection work, those inspectors are pounding the field rows.

Not only that, but many of these men are compelled to travel 20,000 miles a year. The system of inspection, between the two inspectors—the table stock and the certified seed—is entirely different.

The Certified Seed Inspectors work on the same principle as the mail—it must go through.

Our sales are made in three different set-ups,—that is, immediate shipment, prompt shipment and future shipment.

I will say to you that if I sell a car under immediate shipment, that that car must be billed within twenty-four hours. Therefore, those tags must be delivered to me, in order that I might not be held up with a crew, or several crews, in my work of sacking and tagging those potatoes.

Your certified seed inspectors must inspect the potatoes before they go into the car, and while they are being racked.

The table stock inspectors can inspect those after they are put into the car. Their inspection is final only after the potatoes are put into the car. It makes that much more leeway in the time that those inspectors shall be there.

In all fairness to those men, not only on the roads they travel in winter, and through March, but also the roads they travel in the summer, we felt that they were entitled to that.

And, as I say, that was out of my pocket and the other certified seed inspectors' pockets, and it was not out of the State of Maine fund.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker and Ladies and Gentlemen of the House: I realize a man who goes against the desire of State employees for an increase is probably going to be quite unpopular.

Nevertheless, as a man whose duty it is to keep the budget in mind, I must take one more moment of your time.

There is no doubt in the minds of many of you ladies and gentlemen that a man can probably make money at five cents a mile, and they do, I believe.

There is no doubt, I believe, that they can probably save something on the four cents a mile basis. They do that.

The difficulty is that before the bad weather comes along, and they go back to the three cent basis, they spend that money.

I can well understand how the pinch comes in bad weather, and to reduce it to three cents a mile then does look pretty tough.

All that I am trying to inject here is that it is pretty hard to go against the other glamorous gentlemen who have preceded me, on the motion of the gentleman from North Haven, Mr. Crockett.

But I still insist and persist that as a matter of economy, the bill should stand, and I am against the proposal.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Chairman and Members of the House: I want to make an excuse to the House for apparently changing my vote.

The last time, I voted for the

indefinite postponement of the bill. In all fairness to you Members of the House, in all fairness to State employees, and in all fairness to myself, I will admit that I was just a little bit dubious as to the amount it cost to run a car per mile.

I saw with a great deal of interest a report made by a large coal company, which itemized the maintenance cost of the cars of their salesmen who operated through the northern part of the country.

I find with a great deal of interest that the lower priced salesmen, who operate Chevrolets and Plymouths, have an operating cost 6.4 a mile, and they run up to sixteen cents a mile for the Cadillac cars for the Superintendents. So in view of that fact, knowing this company to be a reliable company, and knowing that the salesmen are paid so well that there is no attempt on their part to chisel, I must, therefore, change my vote and go along with the gentleman from North Haven, Mr. Crockett, and hope that his motion prevails.

The SPEAKER: The Chair recognizes the gentleman from Caswell Plantation, Mr. Phair.

Mr. PHAIR: Mr. Speaker and Members of the House: I have lived in Aroostook County many years, I would like to get hold of that formula whereby you can make money at even five cents.

I know the conditions under which those Welfare workers, as well as Seed Inspectors, have to drive. They get stuck in the mud and sometimes it costs \$4.00, \$5.00 or \$6.00 to get them pulled out, in the spring of the year. There is a similar condition in the Fall. They do not always stay on the main road. They have to go wherever they are sent.

I hope the motion of the gentleman from North Haven, Mr. Crockett, prevails.

The SPEAKER: The Chair recognizes the gentleman from Bradford, Mr. Osgood.

Mr. OSGOOD: Mr. Speaker, I would just like to state a qualification of one of Mr. Crockett's statements in regard to Certified Seed Potato Inspectors getting more than others.

I believe they are justified in getting that, because, many times, these men have to travel half a mile or a mile to a farm raising seed potatoes, to separate that farm and get that acreage away from

other acreage, to prevent spread of disease.

Therefore, they are called to drive many times on the back roads and on abandoned roads. It is altogether a different proposition regarding them than it is for other State employees.

I just wished to call that fact to your attention.

Also, so far as I can determine, three cents a mile will practically pay the expense of running the pick-up truck which I run myself around a 25,000 or 30,000 mile basis. If I were to run a car on the four cents a mile basis, I believe I could make money on that type of work.

The SPEAKER: The question before the House is on the motion of the gentleman from North Haven, Mr. Crockett.

The Chair recognizes the gentleman from Palmyra, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: I supported the motion of the gentleman from Thomaston (Mr. Smith) when it came up before, and I am still of the same opinion. I think he is right.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, I ask for a division.

The SPEAKER: The question before the House is on the motion of the gentleman from North Haven, Mr. Crockett, that the House recede from its action whereby it indefinitely postponed this bill, and concur with the Senate in the passage of this bill to be engrossed as amended by Senate Amendment "A."

The Chair recognizes the gentleman from Freeport, Mr. Patterson.

Mr. PATTERSON: Mr. Speaker, I understand thoroughly right straight through in lots of cases we have raised the price to State workers.

I do not know of any other worker, hardly, in the State of Maine, but who goes to work for a great deal less than State workers, and he has to pay his own mileage and use his own car.

I cannot see why we should raise that proposition, when the other fellow has got to pay his,—and he gets a good deal less than the State worker, on the whole.

I believe that the gentleman from Warren (Mr. Starrett) is correct in his statement. I do not believe that

we should raise that, unless we can raise all the workers. I go to my work and have to pay for it, and you go to yours.

I believe it should remain just the way we have it.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. McGillicuddy.

Mr. MCGILLICUDDY: Mr. Speaker, I would like to point out that this is not exactly a raise. It is the restoration of a cut. It was five cents straight until the Legislature of two years ago made those very drastic cuts. Now we are here to partly correct this, in fairness to the employees.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: Two years ago the Legislature did go into this and that committee spent about a month. They figured out that 5-4-3 was a very just rate.

The SPEAKER: The question before the House is on the motion of the gentleman from North Haven, Mr. Crockett, that the House recede from its action whereby it indefinitely postponed this bill, and concur with the Senate in the adoption of Senate Amendment "A" and the passage of the bill to be engrossed.

Is the House ready for the question?

All those in favor of the motion of the gentleman from North Haven, Mr. Crockett, that the House recede and concur with the Senate in the adoption of Senate Amendment "A" and the passage of the bill to be engrossed will rise and stand in their places until counted, and the monitors have made and returned the count.

A division of the House was had.

Fifty-four having voted in the affirmative and 75 in the negative the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Smith.

Mr. SMITH: Mr. Speaker, I move that the House insist on its former action and appoint a Committee of Conference.

The SPEAKER: The gentleman from Thomaston, Mr. Smith, moves that the House insist on its former action, and join in the Committee of Conference?

The motion prevailed, and the Chair appointed as Conferees on the part of the House:

Messrs. SMITH of Thomaston
OSGOOD of Bradford
DOW of Falmouth.

Orders

On motion by Mr. McGlauffin of Portland, it was

ORDERED, that Mr. Boutin of Lewiston, be excused from attendance for the remainder of the week because of pressing business and that Mr. Roy of Lewiston, be excused from attendance today because of illness.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Miss Clough.

Miss CLOUGH: Mr. Speaker, I move that the House Rule 25 be suspended for the remainder of today's session.

The SPEAKER: The gentlewoman from Bangor, moves that House Rule 25 be suspended for the remainder of today's session. Is this the pleasure of the House?

Mr. SEEGER of Kittery: Mr. Speaker, I ask for a division.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Bangor, Miss Clough, that Rule 25 be suspended for the remainder of today's session. All those in favor of the motion will rise and stand in their places until counted and the monitors will make and return the count.

A division of the House was had.

Ninety-nine having voted in the affirmative and 5 in the negative, the motion prevailed, and House Rule 25 was suspended for the remainder of this morning's session, in order to permit smoking.

Mr. Gowell of South Portland, presented the following Order and moved its passage:

Whereas, Economy is of vital importance in the administration of our State Government, and

Whereas, Statistics divulge many needless expenditures of public funds have existed in the past, and

Whereas, This Legislature is confronted with the problem of raising money for the purpose of taking care of our aged, and is therefore considering the imposition of some new tax or taxes on our people for said purpose, and

Whereas, It is believed by many conversant with the situation that sufficient money can be obtained to take care of our eligible old age pension applicants through the practice of economy in various departments of our State, thereby eliminating the so-called necessity for the imposition of any new tax measures and

Whereas, A similar method to the following is employed by every well organized, well managed business in the United States;

Now, therefore, be it Ordered, the Senate concurring, that the Governor, with the advice and consent of the Executive Council, pay to each department head as an incentive to operate his department as economically as possible **consistent with good business**, a bonus of 10 per cent on any unexpended balance of the amount appropriated for the operation of said department for the ensuing biennium.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker, I hardly know whether to oppose the passage of this order seriously or not. I am not quite sure what the proponent intended. I simply move its indefinite postponement.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves the indefinite postponement of the order. The Chair recognizes the gentleman from South Portland, Mr. Gowell.

Mr. GOWELL: Mr. Speaker, I move that the order lie on the table.

The SPEAKER: The gentleman from South Portland, Mr. Gowell, moves that the order lie on the table pending the motion of the gentleman from Portland, Mr. Payson, that the order be indefinitely postponed. All those in favor of the order lying on the table will say aye; those opposed no.

A viva voce vote being taken, the motion to table did not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Payson, that the order be indefinitely postponed. All those in favor of the indefinite postponement of the order will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the order was indefinitely postponed.

House Reports of Committees Refer to 91st Legislature

Mr. Mills from the Committee on Temperance on Bill "An Act relating to the Enforcement of the Liquor Laws" (H. P. 356) (L. D. 145) reported that same be referred to the 91st Legislature.

Report was read and accepted and sent up for concurrence.

Report Tabled

Mr. Mills from the Committee on Temperance on Bill "An Act relating to the Manufacture and Sale of Cider" (H. P. 1560) (L. D. 849) reported that same be referred to the 91st Legislature.

(On motion by Mr. Newcomb of Carmel, tabled pending acceptance of Committee Report)

Leave to Withdraw

Mr. Teel from the Committee on Sea and Shore Fisheries on Bill "An Act relative to Taking of Salmon in Penobscot River". (H. P. 1468) (L. D. 744) reported leave to withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Bragdon from the Committee on Claims reported "Ought not to pass" on Resolve in favor of the city of Eastport (H. P. 1320)

Same gentleman from same Committee reported same on Resolve to reimburse the town of Newport for Pauper Supplies (H. P. 1061)

Mr. Fuller from same Committee reported same on Resolve reimbursing the town of Newport for Pauper Supplies (H. P. 1063)

Same gentleman from same Committee reported same on Resolve to reimburse the town of Lincoln for Expenses of a State Pauper (H. P. 1076)

Same gentleman from same Committee reported same on Resolve in favor of the town of Palmyra (H. P. 1074)

Mr. Patterson from same Committee reported same on Resolve to reimburse the town of Newport for Supplies Furnished to Pauper (H. P. 1064)

Mr. Willey from same Committee reported same on Resolve in favor of Alton K. Curtis M. D. of Danforth (H. P. 929)

Same gentleman from same Committee reported same on Resolve in favor of Dr. G. D. Nowland of Ashland (H. P. 1056)

Mr. Fuller from same Committee reported same on Resolve in favor of Dr. Joseph A. Donovan of Houlton (H. P. 1078)

Mr. Mills from the Committee on Judiciary reported same on Bill "An Act relating to the Publication of Legal Notices" (H. P. 1438) (L. D. 753)

Reports were read and accepted and sent up for concurrence.

Report Tabled

Mr. Forhan from the Committee on Sea and Shore Fisheries reported same on Bill "An Act to Regulate the Shipment of Shellfish" (H. P. 865) (L. D. 352) as it is covered by other legislation.

(On motion by Mr. Dow of Falmouth, tabled pending acceptance of Committee Report)

Mr. Dorsey from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Excise Taxes on Malt Liquors" (H. P. 688) (L. D. 243)

Report was read and accepted and sent up for concurrence.

Mr. Dorsey from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Imposing an Additional Gasoline Tax" (H. P. 1475) (L. D. 615)

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Holman.

Mr. HOLMAN: Mr. Speaker and Members of the House: The one chief argument against the Tax Rate Limitation Bill sponsored by the gentleman from Livermore Falls, Mr. Grua, is that no revenue measure was attached to it to take care of the situation which will result if it passes.

Now, we have an excellent opportunity here to test the sincerity of the proponents of that argument.

I was disappointed in the action of the Eighty-Ninth Legislature relative to the tax problem, but I have a lot of confidence in this Ninetieth Legislature.

I believe a large majority of the members of this Legislature are sincere in a desire to pass out a good constructive tax program—one that will take care of our State government, our Road program, our Old Age Assistance program, and relief for real estate.

Now, the Committee on Ways and Bridges has before it a bill which it wishes to report out, "Ought to

pass", but the Highway Department has not at its disposal money enough to take care of it in addition to the other road work which ought to be done.

This bill is L. D. 189 which transfers to the State certain road maintenance costs that have previously been borne by the towns and cities of the State.

The reason the department cannot take care of it is because much more Federal money is coming into the State than previously, for Defense Roads, which require the Department to set aside a small amount to go with it, in addition to our regular program.

It is thought that after a couple of years, when the peak in payments on the outstanding bonds will have been passed, that the Department can carry this program without extra funds.

It seems, also, that now is the opportune time to start this program of relief for the general property taxpayer.

The plan we have in mind, therefore, is to amend this gas tax bill so it will add only one-half cent to the present tax and will be effective for two years only; after that it will be discontinued.

The added revenue under this plan will give the Department about \$800,000.00 more money, and the cost of taking over the road maintenance provided in L. D. 189 will be about \$900,000.00.

The Committee on Ways and Bridges feels that the Department can handle that program with that extra revenue.

The proposed amendment which we will offer also stipulates that the money must be used to carry out the provisions of L. D. 189.

Now, we would like to substitute the bill for the report and then offer this amendment and pass the bill along to the engrossing stage and then lay it on the table until we see L. D. 189 brought out and passed, then we can pass this L. D. 615.

If L. D. 189 does not pass, however, we certainly do not want L. D. 615 to pass.

I know we have a lot of support for this plan. It will be the first piece of constructive legislation that has ever been put through a Maine Legislature to relieve the tax burden on real estate.

We are reading a lot in the papers

lately about what the Legislature will probably do, what prominent members think about certain measures, and that we ought to take a million dollars from the Highway Department and give it to Old Age Assistance and then go home.

Now, Ladies and Gentlemen, that is pretty much all propoganda to divert the thoughts of the members of this Legislature from a most excellent tax program that seems to be taking shape at this time.

I hope we will continue to cooperate and work together to carry out that program, and not let the politicians and tax dodgers balk our efforts.

When this bill L. D. 615 was heard before the Committee on Taxation, we told them we would like to have them hold the bill in the Committee until we knew whether we actually needed the revenue provided by it. We do not need the full amount that it will produce in its present form, and I don't know that any evidence has been presented to that Committee to show that we need any of it, but the members of the Ways and Bridges Committee have advised us within the last two or three days that we do need the revenue that a one-half cent tax will provide.

That may explain why the report of the Committee is "Ought not to pass."

Now, Mr. Speaker, if my motion prevails, that I may substitute the bill for the report, I will then present House Amendment "A" and move its adoption, and then, if it gets to the engrossing stage, and we find out that L. D. 189 is sure to pass, we will put on another amendment making it an emergency measure, and I move that the bill be substituted for the report.

The SPEAKER: The question before the House is on the motion of the gentleman from Dixfield, Mr. Holman, that the bill be substituted for the "Ought not to pass" report of the Committee.

The Chair recognizes the gentleman from Unity, Mr. Farwell.

Mr. FARWELL: Mr. Speaker and Members of the Ninetieth Legislature: We have had the so-called Holman Bill before the Ways and Bridges Committee, and this morning we unanimously voted "Ought to pass" on the general highway act. Under this general highway act we were not able to find sufficient funds to do the things that Mr. Holman

asks in his bill. I believe that we of the Ways and Bridges Committee do feel that there is justification in his bill and that if he had provided a revenue measure with this bill it would receive the unanimous report "Ought to pass" from the Ways and Bridges Committee. The sum of four to five hundred thousand dollars by the additional half cent gasoline tax which this bill provides I feel we would be able to take care of State Aid maintenance, Third Class maintenance and all bridges built under the Bridge Act, thereby relieving the towns of some of the real estate burden which they now bear.

I wish to go along with the gentleman from Dixfield, Mr. Holman, in his opinion that this gas tax measure should receive a passage that we may do something to relieve the real estate burden upon the towns in the State of Maine because I believe that the motorists should bear more of the burden for the maintenance of these roads than they are now bearing. I realize that to pass another half cent gasoline tax will be almost impossible, but if you are to relieve the burden of these roads from the towns we must have funds to do it with. I assure you that the committee tried in every way, shape and manner to get funds to take care of State Aid maintenance, Third Class maintenance and Bridge maintenance, and we were not able to find those funds. I hope this House will be able to see its way clear in going along with Mr. Holman in substituting the bill for the report.

The SPEAKER: The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker, I simply want to say that I want to go along with Mr. Holman on this proposition. I do not see why the members of this Legislature have to quibble very much over a matter of this kind. You realize the fact that we have got to raise a certain amount of revenue. I believe in what Mr. Farwell has said, that the committee gave this matter very careful, earnest and honest consideration and really wanted to report it out "Ought to pass".

Now it seems that the only issue and the only difficulty is that we need more revenue to take care of this matter which could easily be obtained by a half-cent gasoline tax.

I ask you: What is there so sacred about the passage of a gasoline tax that we cannot approach it with fairness? I believe that it is the most easily collected tax, and I believe it is the most equitable tax to assess that we could go on record as passing today.

Now while this may be entirely off the subject, I believe that this small amount of revenue which is asked for and seems to be required for the passage of this particular measure, a large part of it would be taken care of by the travelling public from out of the State who use our roads which we have to maintain during the summer months. I certainly trust, members of the House, that the motion of the gentleman from Dixfield, Mr. Holman, will prevail.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Grua.

Mr. GRUA: Mr. Speaker. I just want to record my approval of Mr. Holman's motion. I think this is putting the burden of the upkeep of the roads just where it belongs, on the people who use the roads. I hope very much that the motion of the gentleman from Dixfield, Mr. Holman, will prevail.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker, I also go along with Mr. Holman. I believe this to be one of the most constructive pieces of legislation that has been presented to this Legislature in a decade.

The SPEAKER: The Chair recognizes the gentleman from Bradford, Mr. Osgood.

Mr. OSGOOD: Mr. Speaker, I would like just to go along with this motion of the gentleman from Dixfield, Mr. Holman, and also the statement of the gentleman from Unity, Mr. Farwell.

As a member of the Committee, I will say when we first had this bill before us I felt we did not need this extra half cent, but, after careful study of the program that the State has set up, I feel it is absolutely necessary to have this bill go through to raise that revenue. I do feel that our towns badly need that maintenance.

I would like to point out one thing: I feel they need it more than ever, because, due to increased activity in our airport construction,

our highways are going to suffer. There is going to be a lot of bridge and highway construction and a good many times our second class roads will not get the gravel they should have. I say, therefore, that we need to reimburse those towns. There is going to be more construction of main arteries, and many times the source of gravel for those roads has got to come off from some of these country and town roads. They are going to be the ones that will suffer, therefore they have got to have more maintenance.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Megill.

Mr. MEGILL: Mr. Speaker and Members of the House: I just want to go on record in support of the motion of the gentleman from Dixfield, Mr. Holman.

The SPEAKER: The question before the House is on the motion of the gentleman from Dixfield, Mr. Holman, that the bill be substituted for the "Ought not to pass" report of the committee. All those in favor of the motion of the gentleman from Dixfield, Mr. Holman, that the bill be substituted for the "Ought not to pass" report of the Committee will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the bill was substituted for the "Ought not to pass" report of the Committee.

Mr. Holman then offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1475, L. D. 615, Bill, "An Act Imposing an Additional Gasoline Tax."

Amend section 1 of said bill by striking out the figure and word "5 cents." and inserting in place thereof the figures "4½c." and by striking out the figure and word "4 cents." where they appear after the figure and word "3 cents" and inserting in place thereof the figures "3½c."

Further amend said bill by striking out the figures "4-5" and inserting in place thereof the figures '6-7.'

Further amend said bill by striking out the period at the end of section 2 thereof and substituting in place thereof the following: ', but shall be segregated therein and used only for the purpose of paying

the additional cost to the state of carrying out the provisions of H. P. 451, L. D. 189, entitled: "An Act Relieving Towns from Certain Maintenance Costs on Roads," which was enacted by the 90th legislature."

Further amend said bill by adding thereto the following:

'Sec. 3. Duration of tax. This act shall be in force and effect until July 1, 1943. On July 1, 1943, this act shall cease to have any force and effect. It is declared to be the legislative intent that until July 1, 1943, the present provisions of sections 79 to 89-C, inclusive, which are in contradiction to the amendments herein, shall be suspended during the effective period of this act.'

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Rodrigue.

Mr. RODRIGUE: Mr. Speaker, I move that Legislative Document 615 and accompanying papers lie on the table.

The SPEAKER: The gentleman from Waterville, Mr. Rodrigue, moves that House Amendment "A" and accompanying papers lie on the table pending the adoption of the amendment. Is this the pleasure of the House?

All those in favor of the motion of the gentleman from Waterville, Mr. Rodrigue, that the report and accompanying papers lie on the table pending the adoption of House Amendment "A" will say "aye;" those opposed no.

A viva voce vote being taken, the motion to table did not prevail.

The SPEAKER: The question before the House is on the adoption of House Amendment "A." All those in favor of the adoption of House Amendment "A" will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and House Amendment "A" was adopted.

Ought Not To Pass

(Continued)

Mr. Dorsey from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Imposing a Sales Tax" (H. P. 1476) (L. D. 609)

Report was read and accepted and sent up for concurrence.

Mr. Richardson from the Committee on Taxation reported "Ought

not to pass" on Bill "An Act relating to Taxes upon Wines and Spirits" (H. P. 1474) (L. D. 607)

The SPEAKER: The Chair recognizes the gentleman from Monticello, Mr. Good.

Mr. GOOD: Mr. Speaker, I move that Item 18, Legislative Document 607, lie on the table pending acceptance of the committee report.

The SPEAKER: The gentleman from Monticello, Mr. Good, moves that the report and accompanying papers lie on the table pending the acceptance of the "Ought not to pass" report of the committee. All those in favor of the motion that the report lie on the table will say aye; those opposed no.

A viva voce vote being taken, the motion to table did not prevail.

The SPEAKER: The question before the House is on the acceptance of the "Ought not to pass" report. The Chair recognizes the gentleman from Monticello, Mr. Good.

Mr. GOOD: Mr. Speaker, I move that we substitute the bill for the report.

The SPEAKER: The gentleman from Monticello, Mr. Good, moves that the House substitute the bill for the "Ought not to pass" report of the committee. The Chair recognizes the gentleman from Monticello, Mr. Good.

Mr. GOOD: The only reason, Mr. Speaker and Members of the Legislature, that I wanted to put this bill on the table was to take care of Mr. Holman's bill in case the half cent tax fails. This bill would give us almost \$600,000 of clear money, and it would not cost us a nickel to collect it; all we have got to do is to mark up hard liquors ten per cent.

When I went to the Controller's office they told me that it would produce five hundred and fifty to six hundred thousand dollars of clear money. It will not cost us anything to collect it. All I am asking for is the privilege of laying it on the table so that if the other bill should be defeated in the Senate or somewhere else along the line, we might accept this, because I believe the towns should have a little reimbursement to take care of maintenance of roads and removal of snow.

We do not know what is going to take place in the next few days. Things do not seem to be crystallizing very fast although we have tried every day to reduce taxation

on real estate. It seems to me this is an honest and fair method. Of course if you members do not want to lay it on the table, I am willing to go along with it, but I do think it is only fair to give it a chance and not defeat it entirely until we see what we are doing definitely. The purpose was to allocate it to the Highway Department to take care of the same things provided for by Mr. Holman's bill in case that bill should be defeated.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker, this is a tax measure which you may find very useful for the purpose for which it is intended or for some other purpose before the end of this session. I am not prepared to say how I should vote on the particular measure at this time. I am going to take the risk of attempting now to table it, pending the motion of the gentleman from Monticello, Mr. Good, in order that we may give consideration to the measure.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that this report and accompanying papers lie on the table pending the motion of the gentleman from Monticello, Mr. Good, that the bill be substituted for the "Ought not to pass" report of the committee. Is this the pleasure of the House? All those in favor of the motion of the gentleman from Portland, Mr. Payson, will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the report and accompanying papers were tabled, pending the motion of the gentleman from Monticello, Mr. Good, that the bill be substituted for the "Ought not to pass" report of the committee.

Report Tabled

Mr. Tozier from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Amending the Gasoline Act" (H. P. 1239) (L. D. 500)

(On motion by Mr. Hanold of Standish, tabled pending acceptance of Committee Report)

Mr. Warren from the Committee on Taxation reported "Ought not to pass" on Bill "An Act providing for

the Levy of an Excise Tax on Sales of Manufactured Tobacco Products" (H. P. 112) (L. D. 65)

Report was read and accepted and sent up for concurrence.

Report Tabled

Mr. Worth from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Imposing a Tax on Salaries and Wages" (H. P. 1595) (L. D. 907)

(On motion by Mr. Jones of Rockland, tabled pending acceptance of Committee Report)

Report Tabled

Mr. Davis from the Committee on Temperance reported "Ought not to pass" on Bill "An Act Forbidding the Sale of Liquor to Certain Persons" (H. P. 1600) (L. D. 916)

(On motion by Miss Deering of Bath, tabled pending acceptance of Committee Report)

Report Tabled and Specially Assigned

Mr. Briggs from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Compensation of Justices upon Retirement" (H. P. 101) (L. D. 56)

(On motion by Mr. Fenlason of Anson, tabled pending acceptance of Committee Report and specially assigned for Thursday morning, April 10th)

Mr. Small from the Committee on Education reported "Ought not to pass" on Bill "An Act relating to State Aid on Agriculture, Mechanic Arts or Domestic Science in High Schools or Academies" (H. P. 788) (L. D. 388) as it is covered by other legislation.

Report was read and accepted and sent up for concurrence.

House Divided Reports Reports Tabled

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims" (H. P. 1517) (L. D. 858)

Report was signed by the following members:

Miss LAUGHLIN of Cumberland
Messrs. FARRIS of Kennebec
HARVEY of York
—of the Senate.

McGLAUFLIN of Portland
GRUA of Livermore Falls
WILLIAMS of Bethel
HINCKLEY of So. Portland
—of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. PAYSON of Portland
BRIGGS of Hampden
MILLS of Farmington
—of the House.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, I realize we probably will have to put a couple of more legs on this table if it is going to hold all the matters we are putting on it, but, in order that some of us who signed the minority report, and, I think, some who signed the majority report, can gather a little information and material to present to the House, I move that this matter lie on the table and be specially assigned for Thursday morning.

The SPEAKER: The gentleman from Hampden, Mr. Briggs, moves that both reports and accompanying papers lie on the table and be specially assigned for Thursday morning. Is this the pleasure of the House?

The motion prevailed and the two reports were tabled pending acceptance of either report, and specially assigned for Thursday morning, April 10th.

First Reading of Printed Bills

Bill "An Act Authorizing a Bond Issue for the Building, Rebuilding and Strengthening of Bridges for Military Purposes on the Highways of the State of Military Importance" (H. P. 1902) (L. D. 1127)

Bill was read twice and tomorrow assigned.

First Reading of Printed Bill with Committee Amendment

Bill "An Act relating to the Sale of Malt Liquor to Minors" (H. P. 1283) (L. D. 562)

Bill had its two several readings. Committee Amendment "A" was read by the Clerk as follows:

Committee Amendment "A" to H. P. 1286, L. D. 562, Bill, "An Act Relating to the Sale of Malt Liquor to Minors."

Amend said bill by deleting in the last line of said bill the crossed out figures "18" and the underlined figures "21", and by inserting in place thereof the figures '18'.

Further amend said bill by striking out the period at the end thereof and inserting in place thereof the following: 'except that a licensee for the sale of malt liquor to be consumed on the premises shall not furnish and sell such malt liquor in conformity with such license to persons under the age of 21 years.'

Committee Amendment "A" was adopted.

Thereupon, the gentleman from Gardiner, Mr. Slosberg, offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1286, L. D. 562, Bill, "An Act Relating to the Sale of Malt Liquor to Minors."

Amend said bill by inserting in the 24th line after the words "habitual drunkard," the underlined words 'to any pauper.'

House Amendment "A" was adopted, and the Bill was assigned for third reading tomorrow morning.

Passed to be Engrossed

Bill "An Act relating to Veterinary Surgeons" (S. P. 106) (L. D. 147)

Bill "An Act relating to the Teachers' Retirement System" (S. P. 396) (L. D. 633)

Bill "An Act to Incorporate the Carmel School District" (S. P. 515) (L. D. 1092)

Bill "An Act to Apportion Representatives to Congress" (S. P. 528) (L. D. 1091)

Bill "An Act Declaring Municipal Airports to be Agencies of the State" (H. P. 1418) (L. D. 727)

Bill "An Act Creating the Maine Turnpike Authority" (H. P. 1601) (L. D. 917)

Bill "An Act relating to Caucuses in the city of Waterville" (H. P. 1856) (L. D. 1118)

Was reported by the Committee on Bills in the Third Reading.

Thereupon, Mr. Poulin of Waterville, offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1856, L. D. 1118, Bill, "An Act Relating to Caucuses in the City of Waterville."

Amend said bill by adding after

the figures "100" in section 1 of said bill the words 'enrolled members of the party resident in the city'.

Further amend said bill by adding after the figures "40" in section 1 thereof the following words 'enrolled members of the party resident in the ward'.

Further amend said bill by adding after the figures "25" in section 1 thereof the following words 'enrolled members of the party resident in the ward'.

House Amendment "A" was then adopted, and the Bill had its third reading and was passed to be engrossed as amended and sent up for concurrence.

Passed to Be Engrossed (Continued)

Bill "An Act relating to Mines and Minerals" (H. P. 1895) (L. D. 1119)

Bill "An Act relating to the Taking and Sale of Clams in the town of Scarborough" (H. P. 1896) (L. D. 1120)

Bill "An Act relating to the Taking and Sale of Clams in the town of Kennebunkport" (H. P. 1897) (L. D. 1121)

Bill "An Act relating to the Taking and Sale of Clams in the town of Kennebunk" (H. P. 1898) (L. D. 1122)

Bill Tabled

Bill "An Act relating to the Taking and Sale of Clams in Certain Cumberland County Towns" (H. P. 1899) (L. D. 1123)

(Was reported by the Committee on Bills in the Third Reading, and on motion by Mr. Dow of Falmouth, tabled pending third reading)

Resolve Dividing the State into Senatorial Districts (S. P. 526) (L. D. 1093)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all except tabled matter passed to be engrossed and sent to the Senate.

Resolve Tabled

Resolve for the Laying of the County Taxes for the year nineteen hundred forty-one (H. P. 1900) (L. D. 1124)

Was reported by the Committee on Bills in the Third Reading.

The SPEAKER: The Chair rec-

ognizes the gentleman from Waterville, Mr. Poulin.

Mr. POULIN: Mr. Speaker, due to the fact that this Resolve calls for an increase in Kennebec County taxes of \$50,000 for last year, and because I would like to have opportunity to inquire as to why this increase is necessary, I move that the resolve lie on the table.

The SPEAKER: The gentleman from Waterville, Mr. Poulin, moves that the resolve lie on the table pending its second reading. Is this the pleasure of the House?

The motion prevailed, and the resolve was so tabled.

Resolve Tabled

Resolve for the Laying of the County Taxes for the year nineteen hundred forty-two (H. P. 1901) (L. D. 1125)

Was reported by the Committee on Bills in the Third Reading.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Poulin.

Mr. POULIN: Mr. Speaker, for the same reasons expressed just a moment ago, I move that this resolve lie on the table.

The SPEAKER: The gentleman from Waterville, Mr. Poulin, moves that this resolve lie on the table pending its second reading. Is this the pleasure of the House?

The motion prevailed, and the resolve was so tabled.

Amended Bills

Bill "An Act relating to the Time of Opening and Closing of Polls" (H. P. 1152) (L. D. 452) title amended to read "An Act relating to Boards of Registration"

Bill "An Act to Provide for the Surrender by the Ogunquit Beach District of its Organization" (H. P. 1181) (L. D. 479)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended and sent to the Senate.

Passed to be Enacted Emergency Measure

An Act Consolidating the Aviation Laws" (S. P. 521) (L. D. 1073)

The SPEAKER: This bill, having had its three several readings in the House and having been passed to be engrossed, having had its two

several readings in the Senate and having been passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it now the pleasure of the House that it now pass to be enacted?

This being an emergency measure, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

One hundred and twenty-four having voted in the affirmative and none in the negative, 124 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted Emergency Measure

An Act to Establish a Sanitary Water Board and to Control, Prevent and Abate Pollution of Certain Waters in the State (H. P. 1785) (L. D. 1040)

The SPEAKER: This bill, having had its three several readings in the House and having been passed to be engrossed, having had its two several readings in the Senate and having been passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, is it now the pleasure of the House that it now pass to be enacted?

This being an emergency measure, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of this House. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

One hundred and twenty-three having voted in the affirmative and none in the negative, 123 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Incorporate the Reef Point Gardens Corporation (S. P. 461) (L. D. 998)

An Act relating to Androscoggin Lake Dam (H. P. 612) (L. D. 250)

An Act relative to Hunting of Raccoons (H. P. 801) (L. D. 314)

An Act in regard to New Trials on the Ground of Newly Discovered Evidence (H. P. 827) (L. D. 341)

An Act relating to Gambling (H. P. 1857) (L. D. 1070)

An Act relating to the Preemptive Right of Stockholders (H. P. 1858) (L. D. 1071)

An Act relating to the Counting of Ballots (H. P. 1861) (L. D. 1076)

An Act Creating the Temple Water Company (H. P. 1862) (L. D. 1077)

An Act relating to Inspection of Motor Vehicles (H. P. 1863) (L. D. 1078)

An Act to Incorporate the Milo Water District (H. P. 1864) (L. D. 1081)

Resolve relating to the Building of a Dam at Quantabacook Lake (H. P. 1577) (L. D. 928)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed. Bills passed to be enacted, Resolve finally passed, all signed by the Speaker and sent to the Senate.

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the first tabled and today assigned matter, Majority Report "Ought to pass" and Minority Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act relating to Arrests in Criminal Cases," (S. P. 365) (L. D. 678) which came from the Senate, the Majority Report accepted and the bill passed to be engrossed; both reports tabled on April 1st by the gentleman from Bethel, Mr. Williams, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. WILLIAMS: Mr. Speaker and Members of the House: I have often wondered how it would seem to be the last ten pin standing, and now for the first time I have an opportunity to find out, for I find myself to be the only member of the Judiciary Committee who has not fallen before the persuasive arguments for the passage of Legislative Document 678.

I certainly hope that every mem-

ber of this House has read Legislative Document 678, for, whatever its good or bad characteristics, it affects substantially the rights of every man and woman in the State of Maine.

As its title would indicate, this bill has to do with the making of arrests, and it does change considerably our present law relating to the making of arrests.

One reason for my opposition to this proposed legislation is that I believe it is unnecessary. It is legislation which seeks to give more power to our officers, and I am convinced that our officers in the State of Maine do not need more power and that the people of the State of Maine do not desire that they be given more power.

The bill which we are now considering is a so-called uniform law relating to arrests and is designed to apply as well to New York City as to the State of Maine. This proposed legislation is the outgrowth of studies made by Professor Warner of Harvard Law School, but nearly all of the arguments given in support of the need for this legislation were the result of observations made in large cities like New York and Chicago, where conditions are far different from what they are in the State of Maine. Not a single officer or law enforcement official of the State of Maine appeared for this bill or indicated that he thought it was necessary. No State Police officer, Sheriff or Game Warden of our State has stated that such a law is needed or asked that it should be enacted.

To consider specifically the bill, Section 1 provides that any peace officer may detain any person abroad whom he has reason to suspect is committing, has committed or is about to commit a crime, and may demand of him his name, address, business abroad and whither he is going; and any such person who fails to identify himself and explain his actions to the satisfaction of such peace officer may be detained and questioned for two hours. The officer does not even have to make a record of this questioning. This provision of the bill would open the door for every suspicious and officious neighbor to meddle in another's affairs. Every time a neighbor, because of a grudge or desire to be a guardian of the public morals goes running to an officer, the officer may and quite

likely will, make a nuisance of himself under the terms of this section, for he could stop or detain any person at any hour of the day or night and hold him up for questioning for two hours and pry into his personal affairs.

Section 2 virtually destroys a person's right to freedom of his person, for it provides that an officer who has detained a person upon a mere suspicion, which may be the result of the action of some meddling neighbor, may search such person for a dangerous weapon. Under our present law an officer would have to make an arrest before he could go rummaging through the pockets and clothing of a person, but under this bill he might search with impunity a person he had stopped to question, upon the excuse that he believed that the person might have a dangerous weapon in his possession. And all this he could do without even making an arrest.

Sub-section (c) under Sec. 3, is substantially our present law, but I think it is very unwise to say to an officer who is going to make an arrest upon a charge of a felony that he may use force dangerous to human life. Under our present law he may use force reasonably necessary to effect an arrest of a felon, but to state as a positive declaration that an officer may always use force dangerous to human life in making an arrest, when he suspects a felony has been committed, might be unwise. A few years ago a deputy sheriff outraged the citizens of a small Maine town by pursuing an alleged bootlegger down the main streets while firing at the fleeing car with a high powered gun. Clearly this section of the bill is an invitation to an officer to use such methods in attempting an arrest when he suspects that a felony has been committed. It will also relieve any restraint there may now be upon an officer using violence in making an arrest of a person whom he suspects has committed a felony.

Sec. 4. This section provides that a person may not resist an unlawful arrest. This is directly contrary to the present provisions of our law; under our present law an officer must be certain that an arrest is legal before he attempts such an arrest, and a person may resist such

an arrest if illegal. During this very session of the Legislature we have enacted a law relative to impersonating the Commissioner of Agriculture as an amendment to the present law which makes it a criminal offense to impersonate an officer. No where in this bill does it provide that an officer shall be in uniform, and yet we recognize by our law that persons do impersonate officers. Without providing that an officer must be in uniform we say to the public that it cannot resist an unlawful arrest made by a peace officer.

Sec. 5, sub-section (c) is a dangerous provision, for it provides for an arrest without a warrant in case of a misdemeanor without any limit as to when the arrest shall be made. The two preceding sub-sections limit an arrest without a warrant to 24 hours after the misdemeanor has been committed. It has the supposed safeguards that the arrest can be made without a warrant only when the person cannot be arrested later or has fled the scene of a crime. But who is to judge whether the person has fled the scene of a crime or cannot be arrested later? Clearly a stranger in town, whose presence is noted by a citizen who thinks that the stranger was operating a car which was involved in a hit and run accident with the citizen some months before, would be subject to arrest without a warrant, for he might flee the town. This section would also clearly justify the arrest of a non-resident without a warrant, where the officer believed that a fish or game law had been broken, for the officer could justify on the ground that he feared the person might leave town, even though the arrest might be made weeks after the alleged crime had been committed. Thus upon the complaint of a neighbor, an officer might arrest such a person without going to the court to see whether he could obtain a warrant or not.

Section 7 says that if a lawful cause of arrest exists, the arrest shall be lawful even though the officer made the arrest on an improper ground. The proponents of this measure say that this means that if a person were arrested, for example, for drunken driving and should have been arrested for reckless driving, the officer is protected. Unfortunately, however, this is not what the section says. Under

this section a person could be arrested as a bootlegger, and even though there were no ground for such an arrest, the officer would be justified, if he later found that the person was guilty of driving a car which was improperly registered. There is not even a provision in this section which provides that the cause for arrest need bear any relationship in point of time to the ground upon which the arrest is made. Only a few years ago, in a very notorious murder case here in Maine, an arrest of the accused was made upon a very detestable charge, for which the accused was not prosecuted, but the accused was prosecuted and convicted of murder. I do not say that the procedure in this particular case was wrong, for the accused may have been guilty of both charges, but I do say that it affords an example of what might be done under this section. A person might be arrested upon a ground very damaging to his character and inclined to prejudice the court or jury, and yet there be no foundation for the arrest, but the officer would still be protected if some lawful cause for arrest exists.

Sec. 9 is a provision which might well be subjected to great abuse. It would substitute the discretion of the officer for the judgment of the court. Under it the officer could issue a summons at will, even in cases where the court might, if requested, refuse to issue a summons. This the officer could do without any liability. To be sure the officer is supposed only to issue the summons when a lawful cause for arrest exists, but he is left to be the sole judge of when a lawful cause for arrest without a warrant exists. No provision is made, however, for any restraint upon an officer issuing such summonses, and even though he issue such a summons improperly, a person who fails to appear is subject to a fine of \$100 or 30 days in jail. It is also well to remember that there have been officers who would issue such a summons because of the fees accruing to the officer. Let us suppose that an officer does issue such a summons without any justification, there is no penalty provided for such an act on his part, and even though he issues such a summons without any just cause a person must appear or be

subject to fine or imprisonment. The penalty for failing to appear applies even though no warrant is obtained, or obtainable.

It may be argued because of the extraordinary circumstances that a bill such as this is necessary, because of the situation throughout the world. But this bill carries no emergency provision; it has no time limit. I would call to the attention of the House the fact that in the late Republic of France they had a law even more stringent than this and the law was enforced, but, nevertheless, Fifth Columnists were able to flourish in France. It is obvious that the only way law enforcement can be carried on is by cooperation between the public and the officers, and I believe a bill like this which would enlarge their powers greatly might tend to disrupt that cooperation. I therefore move the acceptance of the minority report "Ought not to pass."

The SPEAKER: The gentleman from Bethel, Mr. Williams, moves that the House accept the minority report "Ought not to pass". The Chair recognizes the gentleman from South Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker, I think perhaps the Judiciary Committee needs some defense.

I am sorry that my brother, the gentleman from Bethel, Mr. Williams, was the sole member of the minority on this report, because I had hoped that this House would feel that the Judiciary Committee was always unanimous and harmonious. (Laughter)

I would like to say a word in favor of the majority report "Ought to pass."

Now, my Brother Williams has spent a great deal of time in discussing the rights of a suspected, accused or convicted individual.

Now, I think this House ought to consider, as well, the rights of the public in matters of crime. I believe that we are altogether too inclined to be a little sympathetic toward those persons who are accused or suspected of crime. We take their part because apparently they are the under-dogs. I believe that the rights of the public in a situation of this kind are paramount, especially at a time like this, when I believe the enforcement officers need all the protection and all the help that the laws can give them.

Now, this bill is not at all vicious. It is not far-reaching. It does not do anything, hardly, more than we do at the present time.

In the first place, it provides that if an officer suspects that a person is engaged in committing a crime, or is about to commit a crime, he may arrest him on suspicion.

That is the very thing that officers all over the country and in the State of Maine are doing at the present time. You know that you read in the papers from time to time that a person is brought into the Police Station on suspicion. What does that mean? It simply means that the officer believes that man has committed a crime, and he brings him in for questioning. At the present time, he has no legal authority to do that, but, nevertheless, they do it.

Now, this bill would make that legal. It would justify that officer in bringing in a man that he believed was committing, or about to commit, a crime. That is all that first section provides.

I believe that an officer ought to have a right, especially in these times, to do a thing like that, when you know and I know that there are many people abroad who are violating the laws and you cannot get at them.

If an officer brings a man in, under such circumstances, he can keep him only for a period of two hours. That is not a hardship on any individual. He is not going upon the highways and by-ways, arresting you and me. He usually has a pretty good ground for his suspicion. I say, in the case of an individual like that, it is no particular hardship upon him.

I have just as much regard for the rights of individuals as the gentleman from Bethel, Mr. Williams, but, as I stated to you, there are times when the rights of the state and the public are paramount to the rights of individuals.

Another section provides that an officer may "frisk" an individual, to see if he has any dangerous weapons concealed about him. At the present time, if an officer attempts a thing like that, he may be guilty of an assault. He has absolutely no right to do it. He must stand by and take his chances on whether or not that individual is going to draw a gun on him, before he has any right

whatever to molest him. I say that the provisions of this bill, which guard against a thing like that, are justifiable.

It also provides that if he may arrest him on a warrant, he may do it without a warrant. He may bring him to the Police Station and bring him before the Court, and the Court may issue a warrant, if it sees fit. At any rate, a man is not detained over forty-eight hours without trial. That is not any great hardship on an individual, if the officer believes, and has a right to believe, that he was properly arrested.

Now, I am not going to go into the other provisions of this matter, because that is the gist of the bill. It has been sponsored by the leading lawyers in the country, and, I believe by the American Bar Association.

I believe that it is something that is necessary at the present time.

I hope the motion of the gentleman from Bethel, Mr. Williams, will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Bethel, Mr. Williams, that the Minority Report "Ought not to pass" be accepted.

All those in favor of the motion of the gentleman from Bethel, Mr. Williams, that the House accept the Minority Report "Ought not to pass" will say aye; those opposed no.

A viva voce vote being doubted.

A division of the House was had.

Forty-seven having voted in the affirmative and sixty-nine in the negative, the motion did not prevail.

Thereupon, on motion by Mr. Hinckley, the Majority Report "Ought to pass" was accepted in concurrence.

On motion by Mr. Pratt, of Turner Recessed until 4:00 P. M.

Afternoon Session—4:00 P. M.

The Chair lays before the House the second tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Labor on Bill "An Act Relating to the Safety of Workers in Building Construction," (H. P. 1431) (L. D. 748), tabled by Mr. Pierce, of Bucksport, on April 1st, pending acceptance; and the Chair recognizes that gentleman.

Mr. PIERCE: Mr. Speaker, I move that the unanimous report of

the Committee on Labor "Ought not to pass" be accepted.

The SPEAKER: The gentleman from Bucksport, Mr. Pierce, moves that the House accept the "Ought not to pass" report of the committee.

The motion prevailed, and the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

The Chair lays before the House the third tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Motor Vehicles, on Bill "An Act relating to Short Period Registration of Trucks," tabled by the gentleman from Parkman, Mr. McKusick, on April 1st, pending acceptance; and the Chair recognizes that gentleman.

Mr. MCKUSICK: Mr. Speaker and Members of the 90th Legislature: In rising to move that the bill be substituted for the report of the Committee, I desire to make clear to the Members of this House several things.

The first is that I have no personal interest in this bill. I do not own a heavy truck. I do not intend to have one in the near future.

The second is that I have no quarrel with my good friend on the Motor Vehicles Committee.

Instead, I feel that perhaps I am negligent myself in persisting in bringing to your notice the importance of this bill.

I was interested, since this report was made, in seeing how the members of this Committee are distributed over the state.

By consulting a map and consulting their residences, I find that there is not a member of this Committee north of Bangor, nor a member of this Committee in Washington County.

Every member of this Committee is in a comparatively small section of this State.

This bill especially is directed to that three-quarters of the State in which the members of the Committee do not reside.

I am not, also, a member of the school of thought that believes that our motor vehicles are unduly taxed. I am not in favor of a reduction of motor vehicle taxation. I believe that our gas tax is one of the fairest forms of taxation that could be proposed, for the reason that it is in

exact proportion to the amount of use that is made of the highways.

There is a criticism that could be made of our registration fees. Our registration fees are heavy.

I call your attention to the fact that some states have a flat nominal registration fee of \$5.00—simply enough to cover that slight margin and cost of registration.

We have a pretty heavy registration fee, but, even so, at the present time I would not favor a reduction of our registration fee, as a whole, provided that it all goes to the maintenance of our highways.

There is, however, a decided unfairness in our motor vehicle registration fees. It is manifestly unfair for a motor vehicle owner who uses the highway thirty days in a year to pay the same registration fee as the motor vehicle owner who uses that highway three hundred days. That is exactly what happens. Your motor vehicle registration is an excise tax on the privilege of using the highways.

Now, in the case of other vehicles and the lighter motor trucks, the amount involved is not of sufficient importance to warrant a short term registration or to make any change in our present method.

The present law provides that on the first of September, a license may be obtained for a one-half fee. That is sufficient to care for the pleasure car and other low priced motor trucks.

This present Legislature, as you perhaps know, have reduced the fees on the 2 1-2 ton and the 3 ton trucks, so that now a two ton truck can be licensed for \$30 and a 3 ton truck for \$35.00.

I wonder how many of you know what the registration fee is on the rather heavy trucks?

I would not have known, if I had not been interested in this matter and looked it up, because, as I say, I do not own one.

The license fee for a 4 ton truck is \$80.00. Look at the jump. Thirty-five dollars for a three ton truck and \$80.00 for a four ton truck. A five ton truck is \$100.00. A six ton truck is \$125.00. A nine ton truck is \$200. Then a twelve ton truck is \$300.00.

You see what that means. If an owner registered a five ton truck, and he has a use for that truck only thirty days, at the \$100 rate he pays \$3.33 1-3 per day. If he uses it

300 days, he is paying only 3 1-3 cents. I believe that that is important, and I believe that it is manifestly unfair.

Now, the question may come to you—Who uses the highways only thirty days? Our State is largely an agricultural state—a large section of our State. You perhaps have the idea, from some things you have heard or seen in this House, that there is a certain large section north of us which is engaged in the raising of potatoes. I think you are correct in your assumption. I think that is true.

In the raising of potatoes and other forms of farming, the motor truck has a very important function. In the ordinary use on the farm a two ton truck is sufficient. A great deal of the trucking is done on the farm itself, and not on the highways. But at a certain season of the year it is desirable to have a heavier license. Potato farmers in the spring need to truck for a short period. Then in the fall the potatoes have to be moved to storage.

Now, is it fair that those potato farmers should pay a tax for a license for a full year, when they only wish to do it a very short time of the year?

In another section of the State—and more especially across the middle—we find numerous pulp mills,—in Howland, in Millinocket, Augusta, Madison and Shawmut. Those pulp mills are dependent for pulp in large measure on the farm. The farmers are dependent for their income in large measure on the pulp that they sell those mills.

Or if he desires to work out for two or three months in the winter time, hauling pulp wood for some of the larger companies, can he afford to pay a full year's license? In order to make it a paying proposition, it is necessary to take a very heavy license and some of those trucks carry a license for nine tons, which cost them \$200. You can see what that means to a poor man, who only gets two months' work.

There is another class of mills, which I am personally interested in, because I believe that they are a boon to the town, and furnish a market for products that exist. That is our hardwood-working mills. We have quite a number of these,—one of the largest mills of its kind.

We have one at Greenville and one at Howland. There is a birch

mill at Milo, one in Strong, one in South Paris, using up a product for which there has not been a very great market.

The wood for some of these mills comes as much as 70 or 75 miles and is brought in small lots. They use white birch, which largely grows in scattered groups. A great deal of it is purchased from the farmers. White birch is a very heavy wood. One cord of it weighs about three tons and a quarter.

It is necessary for them to pay a heavy license fee. These people, many of them, are using a Ford or a Chevrolet truck, and putting on a set of supplementary wheels.

To bring to your minds just how important this is, let us take an illustration. We will suppose that there is a farmer fifty miles from that mill, who has a wood lot, from which he hauls fifty cords of white birch, which he wants to market, and his truck is a two ton truck.

Now, he cannot afford to haul that with his two ton truck, because he would be limited to a load of less than three quarters of a cord.

Can he afford to pay \$80 additional to move his license up to five tons? Just think of what that would mean? It would mean \$1.60 on every cord. It would be prohibitive.

Some of you may say why does he not use his two ton truck, and make more trips. Just think for a minute. Three-quarters of a cord, fifty miles—it would be just about as practical, economically speaking, as a man moving a year's firewood on a wheel barrow a distance of a mile. It is absolutely impractical.

Now, what is the farmer going to do? If he could have a short-term license permit, as provided by the bill, it would cost him \$16.00. His expense for a trucking license would be, not \$1.60 a cord, but thirty-two cents a cord. Now, here is your set-up. Here is a farmer. He has got a burden. He needs the money. He needs the money perhaps to pay his real estate taxes. Part of that money, part of the real estate tax, goes to the support of the highways, a very large amount. Here is a mill taking birch. They are dependent on that to run. I have noticed that they use birch. I have noticed when the supply of birch runs short that one crew is laid off, and people are thrown out of work.

I believe this measure, instead of being introduced as a bill for the

short term registration of trucks, might well have been labeled An Act to Promote the Agricultural Industry of Maine.

There is one more remark I want to make. That is, if you see fit to approve my motion to substitute the bill for the Committee report, I am prepared to offer an amendment which will make the bill, I believe, entirely practical and worth while in every way.

This amendment and bill will provide simply that if a motor truck is already registered for a tonnage of from two to three tons, he may, upon application to the Registrar of Motor Vehicles, secure a short term permit, allowing him to haul loads of four tons or over for a limited period of not less than one month.

The fee will be a percentage of the difference between his present registration fee and the annual registration fee of the desired tonnage. That is, if he wants to haul five tons, his present registration for that two ton truck is \$20.00. For a five ton, it is \$100. The difference is equal.

The table which accompanies this bill provides that a one month permit shall be granted for 20 per cent. Twenty per cent of \$80 is \$16.00. Two months will be granted for 30 per cent; four months for 40 per cent; five months for 50 per cent; six months, for 60 per cent; seven months, for seventy per cent.

You will notice in this bill that the fee for one month is not one half of the year's license but is one fifth of the year's license.

I have no desire to cut the income. We are penalizing them a little, making them pay more for the privilege of the short term registration fee.

I submitted this to Mr. Robie and he agrees with me. There is nothing complicated about it. There will be no change in the registration plates. There will be no change in the licenses. The application comes into the office. The Clerk in the office checks the registration number and issues a permit. It does not take a long while. A permit would be carried on the truck in connection with the regular registration.

The question has been asked as to how you can check on those, and how are you going to know when they expire? Let me ask you how an inspector knows whether a truck

is properly registered. The only way he knows is to stop that truck and look at his registration. Is not that just the same thing? You can stop a truck and look at its registration. Certainly, that is the only way to do it.

I believe that it is entirely workable. I feel that there is a large part of our population that needs it.

For those reasons, Mr. Speaker, I move you that the bill be substituted for the report.

The SPEAKER: The question before the House is on the motion of the gentleman from Parkman, Mr. McKusick, that the bill be substituted for the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker and Members of the House: As a member of the Committee on Motor Vehicles, I wish to briefly defend our action of "Ought not to Pass" on this bill. Your Committee gave this bill very careful consideration, being desirous of extending any assistance possible to lighten the burden of the farmer.

If you will recall, this 90th Legislature has already passed a bill, which your Committee recommended, cutting the registration fee on three ton trucks, from \$55.00 to \$35.00, which we were told would be of great benefit to the farmers.

We feel that this bill for short term registration is quite complicated and would be rather difficult to administrate.

As we understood the proponents of this bill, it was intended primarily to help the farmer, who might have 100 cords of pulp wood to haul, which would be hauled in the winter months.

Under our present system, we all know that after September 1st registration is at the half rate, which helps solve at least a part of this problem.

As I stated before, the reduction in the registration on three ton trucks seems to your committee to be as far as we should go at this time.

In conclusion, I would like to say that the Motor Vehicle Committee have tried throughout this session, to be extremely careful in reporting "Ought to Pass" on any bills which might be difficult of enforcement,

or a nuisance once they became a law.

I hope that the motion of the gentleman from Parkman (Mr. McKusick) will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Parkman, Mr. McKusick, that the bill be substituted for the "Ought not to pass" report of the Committee.

The Chair recognizes the gentleman from Clifton, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, and Members of the House: Criminals are often made of many of our good citizens in this State due to motor vehicle laws and regulations.

It appears that we have two duties as members of this Legislature. One is to look out for the interests of the State of Maine. The other is to look out for the interests of the citizens of the State. These two duties are very much alike. They are not divorced. We should not think of just one side of our duty and forget the other.

The repeal of this law would help a group of citizens in this State who are struggling to make a living, not as large trucking interests but as individuals.

As has been brought out here this afternoon, they are a group of citizens who would like to have a few months of the year to use their truck, which, the rest of the year, they use on light hauling for hire, that is, to haul their pulp wood or some farm product.

A law of this type would help to keep people from evading the law which exists today.

We all know that often-times a truck is licensed for three or four tons. Then the farmer has a little fertilizer that he wishes to haul in the spring, and he takes his chance, and does haul fertilizer for a few weeks or maybe a month. Very often, he is caught. He pays a fine then and he is a criminal in the eyes of the State.

It happens very often, in the winter, a man has a little pulpwood he has cut on his own place, to pay the taxes. He has a truck. It is not necessary to hire someone to haul the wood, as he has plenty of time. It is a fact our Highway Police are very efficient in stopping all farmers at the gateways of mills when they have a little load of plup. This will

not make any difference in their having a truck license.

They already have a three or four ton truck license. They are simply given permission to run for that very short time of year, by paying an additional fee to the Secretary of State. By paying this fee, they are able to haul a heavier load.

I believe it would increase the revenue which our State Department would receive, as many men who are now evading the law and trying to get by, if we had a short term license, would buy that license and pay that fee.

Then we would not be forcing them to become criminals, due to the laws that we have passed.

I believe, Ladies and Gentlemen of the House, that the motion of the gentleman from Parkman, Mr. McKusick, should prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Parkman, Mr. McKusick.

The Chair recognizes the gentleman from Brunswick, Miss Bangs.

Miss BANGS: Mr. Speaker, being a member of the weaker sex, so-called, and fearing my lung capacity may not be sufficient to reach the other members of the House, may I have permission to face the House?

The SPEAKER: The gentlewoman has that privilege.

Miss BANGS: Mr. Speaker and Members of the 90th Legislature: I rather hesitate to inject myself into this, but in order to better explain, possibly, the feeling of the members of the Motor Vehicle Committee, I would just like to say that we feel that we did give this bill a great deal of consideration. Our Committee, I believe, you will find has tried to cooperate with the farmer and the people who are hard pressed. However, we did find that this bit of legislation would prove to be dangerous. We feel that it would simply be an opening wedge.

Here would be an opportunity for a great deal of abuse and confusion.

Probably two years from now we would find that other groups would come in, and ask for this same type of legislation.

It is unfortunate that most of our laws on our statute books do prove to be a bit of a hardship to one type of person or another. This happens to be a case where it is undoubtedly a hardship on this particular class of people, but are we prepared to

open the door wide open, for all other types of exceptions? We do know that exceptions are a means of abuse.

For these reasons I hope that the unanimous report of the Committee on Motor Vehicles will be accepted and that the motion of the gentleman from Parkman, Mr. McKusick, will fail.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Parkman, Mr. McKusick, that the bill be substituted for the "Ought not to pass" report of the Committee.

Is the House ready for the question?

The Chair recognizes the gentleman from Parkman, Mr. McKusick.

MR. MCKUSICK: Mr. Speaker and Members of the House: One of the speakers spoke on the one-half registration fee after the first of September taking care of it. I would like to call to the gentleman's attention that if a man buys a new truck the first of January, and wants to haul a load for the next two months, there would be absolutely no help for him. If he is on a job and has some wood left in the woods on the first of March, and has two weeks hauling to finish, it would be absolutely no help to him.

I rather resent the farmers of the State of Maine being called a group. I think we are really too numerous to be called a group.

We are too much a cross-section of the population of the State.

Mr. Speaker, when the vote is taken, I ask for a division of the House.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Parkman, Mr. McKusick, that the bill be substituted for the "Ought not to pass" report of the Committee.

As many as are in favor of the motion of the gentleman from Parkman, Mr. McKusick, that the bill be substituted for the "Ought not to pass" report of the Committee will rise and stand in their places, until counted, and the monitors have made and returned the count.

Thirty-eight having voted in the affirmative and sixty-four in the negative, the motion did not prevail.

Thereupon, on motion by Mr. MacLeod of Bar Harbor, the "Ought not to pass" report of the

Committee was accepted, and sent up for concurrence.

The Chair lays before the House the fourth tabled and today assigned matter, House Report "Ought not to pass" on the Committee on Taxation on Bill "An Act Exempting the Real Property of Persons over sixty-five Years of Age from Taxation," (H. P. 1596) (L. D. 915), tabled by Mr. Sichel of Lisbon, on April 1st, pending acceptance; and the Chair recognizes that gentleman.

MR. SICHOL: Mr. Speaker, I yield to the decision reached by the committee. I move that the House accept the "Ought not to pass" report.

The **SPEAKER**: The gentleman from Lisbon, Mr. Sichel, moves that the House accept the "Ought not to pass" report of the Committee?

Is this the pleasure of the House?

Thereupon, the motion prevailed, and the "Ought not to pass" report was accepted and sent up for concurrence.

The Chair lays before the House the fifth tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Public Utilities on Bill "An Act to Aid Agriculture by Providing for the Organization of Rural Electrification Cooperatives," (H. P. 350) (L. D. 137) tabled by Mr. Richardson, of Strong, on April 2nd, pending acceptance; and the Chair recognizes that gentleman.

MR. RICHARDSON: Mr. Speaker and Members of the House: I move that we substitute the bill for the unfavorable report of the Committee.

In support of that motion, may I say that we recognize full well that we are running counter to the unanimous report of the committee. We believe, however, in this instance, that we are justified in taking that action, in view of the fact that while we had the same amount of time allotted to us at the time of the hearing, we were not given an opportunity for rebuttal. I think that the Members of the House will agree that the opponents of any bill are in a position to make their arguments more or less in the form of a rebuttal.

That is not said in criticism of the Public Utilities Committee, because we know that they had a long and arduous afternoon, but they have not been the only committee so to suffer.

We want to call to your attention the fact that rural electrification is today recognized throughout the nation as a social and economic necessity. It is so recognized not only in New England but all across the land.

It is well to reflect that in the first fifty years during which central station service was made available to the people of the United States, some 744,000 farm homes were electrified,—that in fifty years. There was no time during that period that the public utilities of the United States showed any interest or any constructive progress in meeting that problem.

In the first place, they imposed impossible conditions, in making each and every one of those extensions. First, each extension was considered as a unit, whether it was one mile or three, each extension was made solely upon the question of whether or not it would earn dividends. Those impossible conditions involved labor on the part of those who were trying to get the service. Those conditions involved also the contributing of poles. After all that was done, even the payment of flat rates, initial rates, running sometimes over a period of five years; all those things adding up to conditions that were intolerable.

After they had done all those things, lines that they had paid for themselves and lines that they were bound by contract to make profitable to public utilities became the property of the utilities. They had no equity in the lines after they were constructed.

Remember, that was a national pattern. Up to 1935, we were still moving under the same philosophy that had governed these utilities for fifty years.

I quote from an address made in Michigan by the Secretary of Agriculture in September of this year, in which he quoted three of the leading executives of American utilities. One of them said: "It has as yet been uneconomic to extend electric service to the great majority of farms in the United States. This will continue to be the situation for many years to come." Another one said: "It is necessary to build the load so that the present farm lines earn their way before we can expect new money to be

forthcoming to build additional lines into new territory." The third one contributed this gem: "This clamor for rural electrification has not been initiated by the farmer himself. Only in the imagination of these, his champions, does there exist any widespread demand for electric service on the farm, or any general willingness, or ability to pay for it."

That was the attitude of the major public utilities of this country. Some of them have changed their minds since 1935. Some of them have not.

Now, then, it is well to recognize that the leading farm organizations of America, including the American Farm Bureau Federation and the National Grange, along with others, did everything in their power to cooperate with the public utilities and with various governmental agencies, in seeking to find some orderly and logical solution of a problem that they recognized as of prime importance. But all those efforts were made in vain.

Finally we came to the time in 1935 when the Rural Electrification Administration was first established. At that time, after serious study, the National Grange endorsed it.

It is not my purpose to bring any organization into any discussion on this floor, but I can say, without fear of contradiction, that no non-political organization in America did a better job, or fought more industriously, to defeat some of the ill-advised measures that were conceived in Washington. We can say that and we have no fear of its being disputed. That is a matter of record. Both before the Congress of the United States and up and down the land, they carried on and waged an unceasing fight to maintain the finest traditions of this Republic.

So, when they came out and endorsed the Rural Electrification Administration, it was not a sign that they had gone back upon their precepts or principles. It was simply that they recognized, from first-hand experience, that here was something of value, not merely to rural America but to the nation as a whole.

Some have seen fit to say that this is a New Deal proposition. Some have called it a wolf in sheep's clothing. Perhaps it is, but we won-

der if the record justifies a statement of that kind?

Down in the southern end of the State a week ago Saturday, one of the leading business men told me that he had but one objection to this bill, namely, that a Federal loan was involved. He said, "That looks like the New Deal to me. In fact, it smells like it."

A few minutes later I turned the conversation, accidentally I assure you, to Brown & Company, a corporation fairly well known in northern New England. I questioned him as to the plan of reorganization which that company has for rehabilitating itself. He at once became enthusiastic. He said this. "We have been able to reorganize by a wonderful system which has been made available during recent years." I said, "Did the loan come from private bankers?" He said, "No, it came through the Reconstruction Finance Corporation." I said, "What is that?" He said, "It is an agency that has made it possible for us to obtain up to ten million dollars on a loan." I said, "Brother, the Reconstruction Finance Corporation happens to be the same corporation which is making loans to provide for the construction of rural electrification projects."

Why is it that a big business man will point the finger of scorn at loans from a Federal loaning agency, in order to permit a group of farmers or rural residents to go out and better their condition in life? Why is it they will point the finger of scorn at them, and say that it is Socialistic or say that it is the New Deal? Then the same man will take off his coat and act as a cheer leader when he told that some organization made a loan up to ten million dollars, in order to bring a business that was sick—perhaps through bad management—back onto its feet. I ask you, where is the dividing line to be established?

It seems to me that anything that is good for big business ought to be good for small business, if it is on a sound basis.

We submit that these projects as now conceived—many of them in active operation—are sound and that they are meeting a real social need.

We say that up to 1935, there were 44,000 farmers who were receiving electric service from central

stations. From 1935 to 1940 that number moved upward, and upward, until it reached 1,700,000. Not all of those extensions were made by co-operatives, but I am telling you that it was the driving force of those cooperatives that forced the utilities into line,—absolutely forced them. They are still treading the line, except in Maine.

You want to remember, in 1935, one farm in ten was electrified; today, one farmer in four throughout America. Today 25 per cent of all the farms in the country have that service. It is an outstanding record and one that we, as Americans, can point to with justifiable pride. We have not got to consider it as a partisan issue, because it is not.

I challenge you personally to consult the members of the Maine delegation in the Congress of the United States, to see what those men think, deep down in their hearts, of this movement. At any rate, none of them has criticized it publicly.

Now, in the rural electrification of this State, we have followed the national pattern right down through the years. First, we have seen our cities receive that service; then the larger towns; and, of course, those industries scattered throughout the state. Those things have been natural and have come in order. The extensions then have been made into those sections of our rural areas where there was a concentration of population or perhaps of wealth. Again, each of those extensions has been made as a separate unit, which is supposed to be, before it is constructed, capable of producing enough revenue to provide for the payment of dividends. That is sound business. Naturally they were not going to make any investments unless they were sure of those dividends. That is plain Yankee good business sense. I grant you.

Now, the figures available as to the number of farms in this state vary, depending upon the agency that secures them.

They range all the way from 38,980 to 41,907. Of that number, approximately 19,500 are electrified. All reports agree to that, but they do vary as to the number of farms in the State.

On that basis, we find that from 44 to 50 per cent of the farms in this State now receive central station service, that variation in per-

centage depending upon the difference in the total number of farms.

During the last five years, Maine stands fifth from the bottom in all the states in the percentage of increase, those figures being, as of June 30, 1940—that is a matter of record and we have it here before us.

The reason we introduced this bill is that there is at the present time nothing on the statute books of this State which permits a straight clean-cut organization of a cooperative.

It is true that they can be organized under the laws dealing with and governing corporations, but not as a non-profit cooperative. It is to get a proper set-up and to provide an orderly means by which these things can be brought about, that we have introduced this Legislative Document 137. We insist that there is room in the State of Maine for both the public utilities and for the cooperatives. We make that statement because the utilities are well organized and are efficiently operated in certain sections of the State. But we point out to you that as these short extensions have been made out from our cities and towns, they have definitely raised a barrier which separates the outlying sections from any possibility of receiving that service.

We want you to know that the coming of the Rural Electrifications Administration inaugurated a new day in this particular field. Instead of considering each development as a separate unit, they began to operate from an area standpoint, considering all farms in a certain area, and making all extensions on that basis. Unless we turn about in this State, we will eventually reach the point where all the better places will be taken out by spur lines here and spur lines there, and where it will not be possible for the public utilities or the cooperatives to carry service into these other areas.

So we say that both are absolutely essential if we are to realize this dream of electrification of the majority of our Maine farms in our day, and that is the thing we are aiming at.

They have brought out the question that this raises a threat to the State. That point was brought out during the hearing. You know and I know that that statement was absurd. No evidence was introduced to support that contention.

We all know that there was nothing to back it up.

They told you that the establishment of cooperatives represents a threat to the utilities. Once more I challenge that statement. I say that 105 farmers' families in Paten, and another group in the Kingman area, and a few possibly up in New Sharon, if we can get going there, are really going to threaten this utility program in the State, with lines reaching out and controlling the economic and industrial life of the State. It is too absurd to hold in our minds for a moment.

We all know it is not so. The sooner we can recognize that fact, the sooner we will be able to appreciate this question from the standpoint of what is absolutely essential for the health and wellbeing of the great mass of our citizens, who are trying to maintain themselves and get a living from the grass roots of Maine. That problem is becoming more difficult year by year.

It has been noised about that this is a threat to the investment made by the people of Maine. I insist there is nothing to it. In the first place, we have no intention, and never did have, of constructing any great developments. We do not see any greater power uses or demands; we do not see any great transmission lines coming to cooperatives out of Augusta or Portland. We are visualizing taking service out to these farm homes. That is all we are visualizing. So we say there is absolutely no basis for saying we are going to imperil the investments of Maine people in our power companies. Instead of generating power we propose to buy power at existing rates from existing utilities. That is opening up to them a new avenue of sale. That is opening up to them a new avenue of sale without a single additional dollar of investment on the part of those utilities. It does not mean any additional investment for them and certainly does not impair the value of their investment.

They say it is a threat to local ownership. Let us go on record here by saying we believe heart and soul in private ownership, we believe in the right of an individual or company or corporation to realize a fair profit on their investment; we have no quarrel with that principle. But we say we are not destroying local ownership. By this

loan coming from the Federal government through the Reconstruction Finance Corporation we have made it possible by low interest charges over a long period of years, up to twenty-five for the liquidation of that loan, we have made it possible for the great group of ordinary people to become owners themselves, something that is not possible if they are forced or required to make their investment in a utility, which means having the money to do it in advance.

Now then, we would like to call the attention of the members before we conclude to L. D. 137, and we would like to go through it very briefly and hurriedly with you before what little voice we have plays out, to show you the concessions that we are willing to make in the form of the amendment that has been distributed on the desks of the members. We desire to point this out in answer to the criticisms that have come to us.

First, under Section 4, we understand that there was some disagreement or criticism of Section 4 in the printed bill, L. D. 137. For that reason, we propose to amend that section and substitute in its place: "To sue in its corporate name; (b) to be sued in its corporate name," cutting out entirely the paragraph which relates to having perpetual existence and removing at least one of the objections that have been raised to the bill.

We propose to strike out in the paragraph lettered (d) of Section 4 the comma and all words after the word "members" where it appears in said paragraph. In other words, there was some question as to the clause there that provided for distribution of electric energy to governmental agencies, political subdivisions and other agencies. We crossed that out to meet the objection raised by some members, and we propose to add to that: "provided, however, that a cooperative shall not have the power of eminent domain"—another controversial issue—and "provided further, that in the construction and operation of their facilities, cooperatives shall comply with all safety laws and regulations applicable to electric companies." We are making that concession and are prepared to do it by the amendment.

Then we propose striking out in the paragraph lettered (h) of Sec-

tion 4 the words "without limitation," because those words were under fire, recognizing it may make considerable change in that section; and by striking out the words "thirty-two" and substituting in place thereof the words "twenty-seven." That simply relates to the section of the law. Then in Section 12, in that part lettered (b) in the printed bill we propose to strike out after the word "incorporation" the following: "consolidation." That apparently was under fire not only during the hearing, but apparently it was one of the issues that was not clear before the committee when it was taking this thing up in executive session. Also by inserting after the word "organized" in the last sentence of Section 19 thereof the words "on a cooperative plan." So that would read "Any corporation organized on a cooperative plan under the laws of Maine," the point being made out that any public utility can, by conforming with the regulations, change its form and become a cooperative, thus going out possibly from under that set up governing such utilities.

We propose in Section 21 striking out again the word "consolidation", that being again that same old word which crept in a little while before.

Then we go to Section 26, after the headnote and strike out everything and say: "Cooperatives shall not be deemed to be public utilities; except with the consent of the public utilities commission no person shall receive service from any cooperative if such person was already receiving electric service from a public utility on the date of the organization of such cooperative. Any person who has been refused membership in or service by a cooperative may complain of such refusal to the public utilities commission which may after hearing upon finding that such service may reasonably be rendered order such person to be served."

In other words, there was much discussion and opposition at the mere suggestion that these cooperatives were not subject to the regulation of the Public Utilities Commission.

May I quote here a section of a letter received yesterday from Chairman Southard of the Public Utilities Commission, in which he says:

"As I view the matter at the present time these cooperatives are not

public utilities—are not subject to the Commission's jurisdiction as to rates, securities, etc. and the Commission's sole function is to grant or deny authority to render service in territory where a public utility is now authorized to render service. The question as to the status of a cooperative is not free from doubt but the decisions of the Courts, so far as I am informed, are to the effect that they are not public utilities. What our own Court may say, one cannot determine in advance."

That is the opinion of Chairman Southard of the Public Utilities Commission of this State.

However, we are very definitely saying by this amendment that a cooperative cannot carry its service to any individual receiving service from a public utility, thereby preserving and protecting their rights under the law.

Further than that, under the terms of this bill we have definitely provided that any person not receiving service and requiring it by a cooperative may receive that service if the Commission, after investigation, believes that service is feasible and it can reasonably be given, and all the while the Utilities Commission retains the power now, as always, in the matter of territory. In other words, they still have to grant that authority before we can go ahead.

The question has come up, and it will continue to crop up as to why a cooperative should not be controlled by exactly the same regulations as any public utility. I think the answer is obvious, because the Supreme Courts of at least two states have already gone on record—and their decision has not been questioned—wherein they state that a cooperative organized under the laws herein mentioned is not subject to the Public Utilities Commission.

We can clear that up by saying the functions of the Public Utilities Commission are two in number. It is their particular function, first, to protect the investing public in the matter of securities, and, second, to protect the public in the matter of rates and service.

Now then, we have pointed out to you that these cooperatives are organized simply and solely for the purpose of serving themselves. They will purchase all power in Maine, as they are now doing, from ex-

isting utilities, that power coming through a definite meter station that has been agreed upon, and they pay for all power that goes through that station. After it passes that station they are responsible for the service, and if the service is not kept up to par, the only ones to suffer are the members of the cooperatives itself.

In the matter of rates, it is evident, I believe, to every member of this House that they are interested in keeping those rates at the very minimum because again they are the ones who foot the bill.

Then we come to the matter of securities. Remember that the members of a cooperative become members by virtue of the payment of a five-dollar fee, and the purchase of a certificate. That certificate is not recognized generally as an investment in the generally accepted meaning of that word. Because of that, it is obvious that there is no investing public to protect because those loans are made from agencies outside the State and not a single dollar of Maine money is involved in the proceeding. Remember, every one of these projects is worked out on a basis which provides for its orderly liquidation and maintenance over a period not in excess of twenty-five years. Therefore, we maintain that the rigid requirements which regulate the relations of a public utility as such under the Public Utilities Commission do not exist in the case of these cooperatives.

One more thing about the bill and we are through. We further amend the bill by striking out Sections 17 and 18 entirely, because they were controversial sections of that bill.

We desire to say before we conclude that in fairness to the Public Utilities Commission we want to make it plain that we recognize that so far as we have been able to investigate, some of the delay involved in the hearing of testimony and in the rendering of decisions on these cases was due to the fact that the cooperatives changed their legal talent at the time Mr. Quinn was called into the Federal service, and, due to that change we admit in one or two cases it was the fault of the counsel for the cooperatives and not entirely due to any fault of the Commission so far as this delay was concerned.

However, that does not eliminate by any manner of means all the criticism that we feel perhaps is in order, and the delay that was occasioned on some of the other issues before it.

They have criticised the title of this bill because we mention the word "agricultural." I think the word "rural" appears there, and they tell us it does not appear anywhere else in the act. Well, I presume we could have inserted the word "agricultural" or the word "rural" twenty-five or fifty or even a hundred times in the printing of that bill and it would have meant exactly nothing. But if anybody believes that the carrying of electrical service to the farm homes of this State is not an aid to agriculture, then they have somehow failed to properly appreciate the problems and needs of the rural communities. The title was not dressed up to gain support.

The Rural Electrification Administration in Washington is one of the most important and valuable divisions of the United States Department of Agriculture. It is placed there because it is the place for it. We say this bill is a definite and distinct aid to agriculture and that there has been no evidence introduced to support any contention to the contrary. We insist that we in the State of Maine must keep step with the rest of the nation. A policy that is generally accepted in almost every State in the Union, that is recognized from one end of the United States to the other as one of the most progressive and forward-looking things that has taken place in the last five decades is good for the State of Maine. We might as well recognize we are slipping in some ways.

We have taken a lot of pride—and I have taken as much as you have—in boasting of our rugged individualism. We must still make up our minds that we are not going forward in this State if we still cling to the concepts of 1850, instead of thinking in terms of 1940. The sooner we recognize that, New England will begin to move in the right direction. It will move with a greater degree of confidence, and we of the State of Maine, and those especially who till the soil, will have some reason to believe that their case is having a fair hearing.

We insist that Maine communities all over the State have been making concessions to big business all along the line,—not only to big business but to little business. We have granted rebates in taxes. We have gone all the way out on the limb, but there have been on such concessions to the men and women who till the soil and keep the lights in the farm home burning.

I say that it is time for big business to make some concessions to the men and women who live in the rural sections of this State, and who, by their sacrifice and toil are doing as much to maintain the economic life of this State as any single group.

When this debate is concluded, and we reach the time for taking a vote, I think we ought to recognize that we are here for certain specific and definite purposes. It may be pointed out that this is a broad bill,—that it is a dangerous bill, because it is an enabling act; but I call your attention to the fact that two or three weeks ago, this same House, without a dissenting vote, as I remember it, passed the so-called enabling act which provides for the prevention of soil erosion.

If they had looked half as hard to find some teeth in that bill, as in Legislative Document 137, you would not have been sleeping nights. I remember how some of the able men in this House—the gentleman from Calais, Mr. Murchie and others—rose in defense of that bill.

We have got a measure here that means just as much for the future of agriculture and the prosperity and welfare of Maine as any measure that has been before this House during the last four months.

I say, when we reach the moment for the vote, we have got to recognize that we are to protect business, to protect the investments made by the people of Maine. We are here to do everything in our power to strengthen the economic system under which we live; and provide an orderly functioning of government. But, just the same, we should not lose sight of the fact that right now we are here to represent the people of Maine, the average man and woman, because, in the final analysis, they are the ones who are paying the bills.

So I say, all we want to be sure to do is to decide this important question on its merits; and after each of us individuals has done

what we think is right, and after we have had time to reflect—and we will have plenty of time to do that—we want to be sure that our action—whatever it may have been—will square with the dictates of our own conscience. If it does that, nobody has any reason to criticize. (Applause)

The SPEAKER: The Chair wishes to state that the Chair believes the members of this House, and especially the visitors, should refrain from attempting to influence legislation by applause.

The question before the House is on the motion of the gentleman from Strong, Mr. Richardson, that the bill be substituted for the "Ought not to pass" report of the Committee.

The Chair recognizes the gentleman from Portland, Mr. LaFleur.

Mr. LaFLEUR: Mr. Speaker, when I have concluded my remarks I believe you will understand with me the purpose for which I am going to discuss this particular bill, and that if I were following my own desires in the matter, I would have remained silent.

It has been suggested that perhaps I am in the employ of the utility companies of the State of Maine. I have practiced law fifteen years in the State and never under any condition have I received a cent directly or indirectly from any power utility of the State. In fact, my legal practice has been directed primarily to public quasi-municipal corporations, representing the people as against the corporations and the utilities. In the past year certain executives of these power companies have opposed me politically in certain matters, so that you can well appreciate that I do not have any particular affection for the utility companies of the State, but I am merely speaking as a designated member of the committee to defend its position in arriving at this "Ought not to pass" report.

Unfortunately for myself, perhaps I am the only legal member of the committee in the House and it fell to me to sign the "Ought not to pass" report and to present to you the reasons of the committee why they arrived at that conclusion. May I say in this connection that it was a fair hearing; it lasted one entire afternoon, and if the gentleman from Strong (Mr. Richardson) is correct that there was no chance

for rebuttal, I will say I do not understand that right was denied. I think everybody was heard impartially, given all the time in the world to present his or her evidence for or against this particular bill. We arrived at our conclusion after discussion of the matter.

Perhaps it is unfortunate for me that I somewhat discussed this case with the proponents of this measure and perhaps gave to them in my fairmindedness the arguments that they are presenting in these amendments, but I think it is a fair statement to say that I was one of the parties that called to their attention the objections of the bill for which they now bring in this particular amendment. So that the committee, if it was perhaps unfair in not permitting a rebuttal, certainly through one of its members did discuss with the proponents of this measure the particular objections that the committee had to the bill which they have put into this amendment. And may I go on record here very frankly and sincerely in saying that I would do everything with all my heart and soul to humanly and economically give to every farmer in the State rural electrification.

I am not discussing the merits of rural electrification; I am merely going to discuss with you, so that you can arrive at your own conclusion as to the particular vehicle through which they are attempting to accomplish this, the particular purpose they have in mind. And may I say that I am squarely in favor of rural electrification and that I agree with practically every statement made by the gentleman from Strong, Mr. Richardson. As a matter of fact, there were several members of the committee who wanted to do something for this large percentage of our people in the State, but there was no redraft before the committee; there was absolutely no suggestion; we had to take the bill as it was, and, after carefully examining the bill and discussing it, we felt, in our honest conclusion, that it was not a proper bill.

Unfortunately for me again this amendment is in here, because it does in part answer the argument that I was to make upon this bill. But the amendment should indicate to every man and woman in this House that the bill itself in its

inception was not the proper vehicle to accomplish the result that we are seeking, because they have met in great measure our objections to the bill and the opinion of your committee that the bill in its inception was not a proper measure. In other words, I am trying to defend the report of our committee.

This bill apparently attempts to change somewhat the settled policy of the State of Maine, and when I or you suggest a measure that might upset or change the policy of the State, it is incumbent upon you and I to prove that the change is a proper one, that the change will accomplish the result that it seeks and that the change will not injuriously affect some of the existing systems in the State.

I wish at this time that you would take the bill, L. D. 137, and examine with me for the time being the various sections to which I shall address myself in trying to give you the reasons for this committee's action in this matter and at the same time explain certain things and to answer the amendment of my good friend, the gentleman from Strong, Mr. Richardson.

The first objection which the committee had is on the top of Page 1, under the heading "Definitions". Now if you will examine the bill you will find in Section 3 the term "co-operative" defined. Under section 3 "Person" means any natural person, firm, association, corporation, business trust, partnership, public agency, state or political subdivision or agency thereof, or body politic." And I say to you it is the settled policy of this Legislature before it will permit any city or town or county in this State to engage in any utility business, that it must first come to this body and ask for special permission to do that particular act.

Under this bill, if I understand it correctly, five natural persons in a political subdivision of the State may form a cooperative. Now as I discuss this bill I wish you to bear in mind the statement made by the gentleman from Strong (Mr. Richardson) that it was not the intention of the sponsors of the bill to do certain things.

Now the only way that we can gather the intention of an individual is by what he says. They may not intend to do a particular thing; but if you will examine this bill, what

you and I are concerned with is not what they say they will do but what is possible under the vehicle they have adopted.

Not under this bill, which is a rural electrification bill, it permits political subdivisions of this State to become a cooperative, a thing that has never been permitted in this State until the present time, because the State is jealous as to whether or not it will permit our political subdivisions to go into these business enterprises. In this connection, may I point out to you that you have presently passed or will pass in this present session approximately six water district bills. I will comment upon that fact as I discuss the cooperative feature of this particular act.

In your water district bills the political subdivision has to come to us and ask for certain authority to go into that particular utility business and, as a result of that hearing, we give the special consent.

Under this bill five persons plus a political subdivision can form a cooperative, and, under the bill before the amendment was given to us today, the cooperative could establish an electrical business in any section of the State whether that section was served or not by any present existing utility without asking the consent of anyone in the State except themselves. Apparently they have answered this in the amendment. I will discuss the amendment, insofar as the Public Utilities Commission is concerned, later.

Now the next objection we had to this bill was the perpetual existence. I know the amendment strikes out perpetual existence; but, in arriving at what the sponsors of this bill have in mind—not what they say but what they have in mind—we have to take the bill itself. There was a definite purpose for inserting that in the bill to have perpetual existence.

I am perfectly familiar with the fact that under our Constitution there is a prohibition insofar as corporations are concerned, that the State may alter or amend or abolish a corporation charter at any time; but the lawyer who drew this bill was very subtle in it when he put in there for what it is worth, perpetual existence, having in mind the famous Dartmouth College case that might bring it under the con-

tract clause of the Constitution of the United States.

I know the amendment of the gentleman from Strong, Mr. Richardson, takes care of that, but I am merely pointing out that to you to indicate the bill that we had, and, in order to arrive at what they are trying to get at, we take the bill that they are giving us and try to interpret the statements therein. That is, we cannot take their promises; we must take the bill as it is written.

Now that objection as to perpetual existence has been eliminated in this proposed set-up. That was one of the objections which I had to the bill which I communicated to the proponents.

Now let us go into the next section of the bill. Section 5 of chapter 63 of the Revised Statutes provides for the consent of the Public Utilities Commission for a utility to do business in the State. Now under this bill it is my understanding that the cooperative will not invest one cent therein, that they are going to borrow one hundred cents on the dollar from the Federal government. I think that is correct, if I understood the statements at the hearing correctly. It also provided that these cooperatives may consolidate. The committee saw the danger in that. Cooperatives financed by the Federal government receive one hundred cents on the dollar. There might be a consolidation of one in Caribou, one in Portland and one further south, and eventually the Federal government, by reason of its investment therein, might be taking over the cooperatives in the State of Maine, and eventually it is highly probable they would own them. Apparently the gentleman from Strong, Mr. Richardson, attempted to take care of that objection by crossing out Sections 16 and 17, which does prohibit the consolidation of cooperatives.

Another point which the committee had in mind when it discussed this bill was the possibility of some of these cooperatives going sour and the mortgagee, the Federal government, taking them over and eventually getting around the Fernald Law of the State.

You are all familiar with the Fernald Law of the State which prohibits, without special permission of this body, the transmission of electrical current outside the bor-

ders of the State. The gentleman from Strong, Mr. Richardson, has crossed out Sections 16 and 17, and perhaps that is not presently one of the issues here. But I am pointing out this to you to indicate that at least so far as I am concerned, that the committee knew where it was going upon the particular bill which was pending before the committee.

And then the next objection that I raised to the bill—and I notice they have inserted apparently in here that it expressly excluded the right of eminent domain. That answers that objection.

Now let us go back to the bill in Section 4-d, to answer some of my criticisms of the gentleman from Strong, Mr. Richardson. In regard to Section (d) they argued before the committee that this was a cooperative furnishing current to themselves, and in Section (d) in its original set-up—and that is how we gather the intent of the sponsors of the bill—they not only can dispose of electrical current themselves but to governmental agencies and political subdivisions of the State and to non-members up to ten per cent. And they went further and provided that if they had a cold storage plant or a processing plant they could sell it without limitation. And you ask, as you have the right to ask: How did the committee arrive at this conclusion? It was paragraphs just like that that made us arrive at the answer we did.

If you will look at the bill further, under (e) you will find that it permits the financing and sale of electrical appliances, and, in Section (f) it permits construction of cold storage plants and processing plants. Under Section (g) it permits the unlimited acquisition, operation, sale and conveyance to lessors or otherwise of plants, dams and everything that an electrical company can do. And in Section (i) it provides for the acquisition by purchase, lease or otherwise of privileges, licenses and easements, and in Section (j) it permits the borrowing of money and the mortgaging of their property. Finally, in subsection (m) on Page 3, it permits these cooperatives to do and perform any other acts and things and to have and exercise any other powers which may be necessary, convenient or appropriate to accomplishing the purposes for which the cooperative is organized.

Again in his amendment—and it was one of my objections—he crosses out the words “without limitation”, because under the original bill they could have done business in any part of the State without limitation and without control of any regulatory body in the State. Under the original bill they were not limited to rural sections; they could have done business in any section of the State.

In that connection may I state that I offered to the proponents of this bill to sit down with them and attempt to draw up a real rural electrification bill. This is the first time I have seen the amendment which apparently takes care of the greater part of our objections but does not go far enough.

Now another reason why your committee arrived at its report was that on Page 2 under section (h)—and that indicates to you the intent of the original sponsors, not the gentleman from Strong, Mr. Richardson and the other men, but the drafters of this act—if you will notice, they have the right conferred upon them to construct their pole lines and transmission lines throughout the highways of the State. They specifically set forth Sections 32 to 38—and the gentleman from Strong, Mr. Richardson, says he changes 32 to 27, but let us go into that particular thing a bit and see what was behind that particular provision in this bill. This bill was drawn apparently to catch us asleep in the State. Sections 32 to 38 of the Revised Statutes, Chapter 68, are those beneficial rights conferred upon utilities to use our highways, but under Section 31 are the liabilities that go along with the beneficial rights.

In other words, when this bill was drafted they did not make a mistake in printing 32 instead of 37, because they wanted the beneficial rights in the highways of the State without accepting at the same time the disabilities that went along with it. If we had passed this original bill they could have put their transmission lines along public highways, streets, roads and alleys without asking the consent of anybody in the State. The gentleman from Strong, Mr. Richardson, in following my suggestion to some of the proponents, has stricken out the words “thirty-two” and inserted the words “twenty-seven.”

The only way that the State of Maine can grant to an individual the use of the highways of the State is for a public use.

Now these cooperatives say they are not subject to the jurisdiction of the State. The only issue, Ladies and Gentlemen, in this case, as I see it, —and some of them have agreed with me after the suggestions in the amended form were discussed—the only issue in this case as I now understand it is the Public Utilities Commission of the State. It is my feeling and the feeling of the committee—and I have no brief for the Public Utilities Commission of the State, because I think they can answer for themselves—the only question as between the gentleman from Strong, Mr. Richardson and the other proponents, and I, is on the question of regulation—shall these cooperatives be regulated?

It is the feeling of this committee that these cooperatives, if they use our public highways, if they serve the public—and they have the right under this bill and under the amendment to serve the public—if you will look at the amended form, they serve themselves; but other individuals desiring the service and unable to agree with this cooperative are entitled to go to the Commission, and, after hearing, the cooperative may and can be compelled to furnish the service. They say they are not a public utility on the one hand and, on the other hand, they are willing for certain purposes to come under the jurisdiction of the Public Utilities Commission.

It is my position and the position of the committee that if we are to set this up—and I will say that I believe thoroughly in rural electrification, and I am willing even now to sit down with these proponents and to work out the points that are in discussion between us and get before you a real rural electrification bill—but to my way of thinking, any group of individuals, whether they call themselves cooperatives or not, if they use our highways, if they furnish electrical energy to our people, they should be under the regulation of somebody. I do not care particularly who it is. It could be the gentleman from Strong, Mr. Richardson, if he was a regulatory body. But I say they ought to be regulated.

Now in this Legislature you have already passed, as I say, six water district bills. I know there is a little technical difference between a water district and an electrical cooperative, but the theory behind the two is the same. The theory behind the two, as I understand it, is to furnish electricity or water to themselves at cost.

Now every charter that we have granted in this State to a water district has had included in that district charter the specific provision that that water district, which is a cooperative pure and simple, is under the control of the Public Utilities Commission of the State.

And you went further in this session when you created the Caribou Utilities District of Caribou, Maine, the first electric district in the State to my knowledge. In that bill you did insert therein that they shall be under the Utilities Commission of the State although they are furnishing electrical current to themselves. Now if a political subdivision of our State which we create comes under the Utilities Commission of the State, why should we now be asked to let five natural persons perform the same purpose, use the highways of the State practically at their own will, without coming under some regulatory body in this State?

In conclusion, as I said at the start, I did not have much heart in the matter I was discussing, and I wish I could have remained silent in this matter, because I am heart and soul for the farmers of this State. But there was our committee which, after a fair hearing arrived at a logical conclusion—a fair-minded committee. We might have, in an unthinking moment, passed in here an "Ought to pass" report, and it might have had the effect—although the sponsors of the bill say it did not—under this bill it was possible to destroy the investment in three of our large electrical companies of the State. As a matter of a fair deal, having no love for the utilities, some of them, but as a matter of a fair deal to them, as a member of this committee, I felt it incumbent upon me to present to you the reasons for the committee arriving at its conclusion and to point out, at least so far as one member was concerned, that we made the greater part of these sug-

gestions as to these amendments. I will further say, if they will go further—and I say this individually and not binding the committee—if they will go further and put these rural electrification cooperatives under some regulatory body of the State, I will go along with them.

The SPEAKER: The question before the House is on the motion of the gentleman from Strong, Mr. Richardson, that the bill be substituted for the "Ought not to pass" report of the committee. The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, I will say to the gentleman from Portland, Mr. LaFleur, that I appreciate his very fair treatment of this matter this afternoon. I want to say in answer to the last statement that the gentleman made, that we are in this bill and this amendment placing the rural electrification cooperatives under the regulation of the Maine State Legislature; we are not leaving it to the Public Utilities Commission, but we are setting right out here in the law that these cooperatives shall not serve public utility customers who are now receiving public utility service. Could there be any stronger guarantee that we would not compete with the utilities than for this Legislature to put that right into the law?

It was suggested by the gentleman from Portland, Mr. LaFleur, that we presented no redraft, and that we presented no amendments to the committee. I want to say that only yesterday—perhaps the day before so far as I am concerned, but only yesterday so far as Mr. Richardson was concerned—we did not know what the specific objections of the committee were and we did not know what objections we had to meet. I brought the New Hampshire enabling act to the attention of the committee and suggested that was a good act,—if they did not like the one we presented they might find merit in that. I presented to them the Federal statute which provides that these rural electrification cooperatives shall not serve customers now being served by public utilities and suggested that would be a good provision, but I never got the green light from the committee to go ahead with the redraft. It was not until yesterday, when Mr. LaFleur very carefully and very fairly set down with us,

that we knew what objections we were to meet. We have gotten together with him, and I submit his argument this afternoon is based almost wholly on the bill as it first went in.

It has been inferred that when we first put the bill in we wore horns, the same as some sort of devils, but that now we have amended it we have sort of shorn ourselves of these horns. I submit to you that we had no nefarious purpose when we introduced the new draft.

I want to tell you in a few moments of the history of these cooperatives in the State. The first areas which requested the organization of these cooperatives were in the area coming under the franchise of the Bangor Hydro-Electric Company; and I want to say that company has been and now is most fair with these cooperatives. It has loaned them their engineers; it has assisted them in every way. It has marked the blueprints and it has gone through and assisted in the organization of the Kingman and the Patten projects; and the procedure which was followed in the Kingman and the Patten projects was approved by the Public Utilities Commission. They allowed those projects to come into being under the procedure which they employ.

That same procedure was tried up in my own district in the Sandy River Cooperative, but the Central Maine Power Company objected. Mr. Walter Wyman told a representative of the REA that he wanted nothing to do with cooperatives, wanted no cooperatives around him. And so, after many delays, the Public Utilities Commission effectively disposed of the Sandy River case because there was an objector. They said the procedure was not correct as it did not come under the proper sections of the statutes. That very same procedure was employed up in the Kingman and Patten area, and I submit the precedent should have held even though the Central Maine Power Company in this case objected.

Up in the Sandy River section there is an area that has not been looked on with any favor ever since the utilities came into being. A group of farmers got together. They had heard about rural electrification cooperatives and they found they

could perhaps borrow some money to get started and organized, if their project was feasible, just as the Brown Company sought reorganization under the R. F. C. These farmers had a mass meeting and decided to request an engineer's services. This was done, and the cooperative was organized under the same procedure as the Patten and Kingman projects, on the 25th day of July last year.

They felt, since the Central Maine Power Company and the Maine Consolidated Power Company had not been interested in the area, that of course they would not object, because they would organize their cooperative and buy wholesale power from them, just as the Kingman and Patten projects bought power from the Bangor Hydro. But the opposition from the start was fierce and strong. They took the position, not being willing to serve the area themselves, that they did not want the cooperatives organized to serve themselves.

They had a hearing on September 24th, 1940, in which they asked for 77 miles with 236 members. Not one of these members was receiving service from any public utility. Without any consultation with the attorneys of the cooperative, the hearing was postponed. The hearing was attended by several hundred people and it was very apparent that these people wanted the Commission to do something to help them. No evidence was put in on the part of the Central Maine. The Chairman of the Commission turned to the Central Maine attorneys when a continuance was asked—they asked for two weeks, and he said: "Will two weeks be enough time for you?" And without any reference to the attorneys on the other side, they continued it for two weeks.

Two weeks after that there was another hearing with the same large attendance of farmers. The Central Maine Power Company and the Maine Consolidated offered no evidence whatsoever but merely came in with a new offer of rates in this area. Now the old offer was twenty dollars per month per mile with a five-year guarantee. They came in with a new offer of \$5.50 a month per mile plus taxes, about a dollar, with a one-year guarantee, and they testified they would make money under those rates.

The procedure which was employed at that time after considerable delay was decided to be faulty by the Public Utilities Commission and it was thrown out, and they said they would have to come back under another statute—230 of 1931, I believe it is, and the cooperative tried again.

I submit that the subject matter was entirely before the Commission, and that the Commission could have allowed an amended petition at that time. The evidence was the same in both hearings, and it could have been determined if they were serving as a Public Utilities Commission. But many delays occurred until finally, on February 25th, I believe it was, they gave the Sandy River three miles or two miles and a half and nine members, and, strangely enough, that two miles and a half and those nine members had already been electrified by the Central Maine. I do not think they would have risked that investment building those lines if they had not been pretty sure they were safe in doing that. I want to say that during all these proceedings before the Public Utilities Commission, lines were built in this very area that is under dispute. Poles were erected and lines strung and perhaps a few thousand dollars invested when the area was in dispute and the Public Utilities Commission was charged with the duty of determining whether it belonged to the Sandy River Cooperative or the Central Maine.

Now if there had not been some rather close connection between the Central Maine and the Public Utilities Commission, do you think the Central Maine Power Company would have risked that money building those lines if they had not known that the decision was going to be favorable to them?

I might say that right in the middle of these proceedings the Maine Consolidated Power Company desired to sell to the Central Maine a part of its franchise covering this very area which was in dispute and which the cooperative was asking for.

Now an alleged fair hearing was held according to the files and records in the case. The only notice which was given to any parties were letters sent out to the head of the Central Maine and the head of the Maine Consolidated, with postal

cards enclosed which came back to say they had received notice. In a very perfunctory manner, in a very few days after the Maine Consolidated asked for permission to sell to the Central Maine, it was granted, after an alleged public hearing in which the only notice given was to the heads of the two utilities. I say when the utilities were involved, when they were asking to trade, there was no delay, no public hearing; the parties were just called in and it was given the stamp of approval. But the Sandy River Cooperative had to wait five months and got an innocuous decision. I think, Ladies and Gentlemen of the House, we can get at the reasons for this position.

The Bangor Hydro has not bothered any of the cooperatives. The Central Maine is the sole one which has fought tooth and nail the organization of farmers to serve themselves.

Now at the public hearing on the question Mr. Wyman of the Central Maine stated that when fifteen thousand people owned stock in a corporation that comes pretty near to being a cooperative. But let us consider whether or not the Central Maine Power Company is by any manner of means to be considered a cooperative, and let us see if we can find out just where the control of the Central Maine resides.

According to a statement filed with the Securities and Exchange Commission in 1940, 96 per cent of the voting stock of the Central Maine Power Company is owned in the New England Public Service Company, and 69.88 per cent of the voting stock of the New England Public Service Company is owned by three outfits. The General Electric Company owns 26.37 per cent; the Manufacturers Trust Company of New York owns 19.21 per cent; and the Northern New England Company, a common law trust made up of Mr. Wyman and some of his close associates, owns 24.30 per cent. So the General Electric Company of New York has a veto power over Mr. Wyman in his operation of the Central Maine Power Company through the holding company, the New England Public Service Company, and he is not able to control that company without the collaboration of the General Electric Company of New York. The Manufacturers Trust

Company is sort of an orphan in this State because it only owns nineteen per cent and cannot collaborate with the General Electric to effect control of the New England Public Service which has control of the Central Maine. I say if anyone is fearing outside control perhaps it ought to be the common stockholders of the Central Maine Power Company or the preferred stockholders who have no voting power. If anyone is fearing control from the outside, it ought to be these people whose companies are managed and controlled by these people that have the voting stock.

The need for this enabling act, I think, has been made perfectly clear. We have nothing on the books and the validity of the present cooperatives is in doubt. We have no enabling act under which they can incorporate; their status is in doubt, and the Commission has expressed doubt as to their status. I say to you, Ladies and Gentlemen of the House, that it is only fair these groups should be given the same consideration we are giving credit unions. There is in process of passage through this Legislature an enabling act for organization of credit unions. It seems only fair when the farmers of the State wish to organize and serve themselves that they should have legislative approval, and I assure you that is all we ask. We do not wish to compete with the utilities. I say to the gentleman from Portland, Mr. LaFleur, that I think the amendment shows that in good faith.

Mr. Speaker, I hope that the motion of the gentleman from Strong, Mr. Richardson, will prevail.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Farwell.

Mr. FARWELL: Mr. Speaker, as a member of the Public Utilities Committee who sat at the time this matter was heard, I will say that one of the proponents of the measure threatened me with political extinction unless I voted "Ought to pass" on this bill. I am going to say for the sake of the record that the committee reported unanimously "Ought not to pass".

I do not believe at the time of the consideration of this bill that these things which the gentleman from Strong, Mr. Richardson, has presented in the amendment were

called to our attention. Our objections were not met. In reply to the gentleman from Farmington, Mr. Mills, I will say I held this bill a little over a week in committee, waiting for these objections to be met. I believe it was the purpose of this committee—and I think I can speak for the other members in the House at least when I say this—that if a proper vehicle were provided for rural electrification, I do not believe there is one man in the House who would vote against such a measure. We did not and do not now consider this a proper vehicle for rural electrification. I would suggest to the proponents of this measure that a recommitment of this bill might be beneficial to the rural electrification program of the State of Maine, and I am willing, if a proper vehicle is provided, to go along one hundred per cent.

THE SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Arzonico.

MR. ARZONICO: Mr. Speaker and Members of the House: The gentleman from Farmington (Mr. Mills) just said that of course they, the proponents, did not know until yesterday or the day before just what the objections to this bill were.

In other words I gathered the fact that up until yesterday or the day before, they still believed that their original bill was perfect. I cannot help but form that conclusion from that statement, because he also said that, had they known before that there were these objections, which are taken care of in this amendment now, that they would no doubt have gotten the amendment out sooner, but that they could not see that there were any objections to the bill. That seems a little bit strange, too, because at the public hearing, at which they were present, as well as the committee, objections from the opponents certainly were offered and they certainly heard those objections.

I think some of those objections were quite closely allied with the objections which were made to them yesterday, which resulted in the writing of this amendment.

Now, this amendment, in my opinion, really does what? I think it really makes a new bill out of it. That being the case, that so-called new bill has not had a hearing.

Now, I think all those in this House who were present at the pub-

lic hearing, will recall that there were quite a number of proponents of the original bill, who testified before the committee that that original bill was exactly what they wanted, and nothing other than that bill.

Now, I do not believe a lot of those proponents, not members of the Legislature, know that this amendment has now been written. I am just wondering what some of them are going to think about it, because they argued so strongly that cooperatives meant exactly what that original bill said they meant, and asked for those powers and privileges and what-not in the original bill.

I am wondering what some of those proponents, who are not able to defend themselves, or defend their previous statements, are going to say when they find out that their original desire in this bill has now been shattered by this amendment.

Also, I think the opponents to the original bill should be considered a little bit, too. They have had an opportunity to oppose the original bill, but they will not get an opportunity to oppose this new bill, which this amendment practically makes. I do not think it is fair, either to the opponents of the original bill or to a great many of the proponents of the original bill.

If this amendment is acted upon, I think the proper action would be to have a hearing on it first, before this body, to decide whether or not we should adopt it.

I am not quite yet satisfied that the State of Maine, even after all these remarks that have been made here today, which are supported in a large extent by this new amendment. I am not quite satisfied that the State of Maine really needs any such legislation as the new bill proposes.

Cooperatives, as we all know, and as has been said here today, and as was pointed out at the public hearing, can very readily organize under our present laws. That is undeniable.

Now, the proponents have admitted this very emphatically, by unhesitatingly citing two specific instances in the State of Maine, where cooperatives, already operating successfully, mind you, in Maine, have been organized under our present laws. That means organized and

operating under the control of the Public Utilities Commission as well.

Well, now, such being the case, what more do we need? That is what I am wondering. That is what puzzles me. If we have laws that permit that now, without any such bill as is being proposed to us, what do we need? I do not think that we need another thing. That is my candid opinion.

During the public hearing, there was also great stress put upon the lack of electric energy available in rural areas. Of course, many facts and figures were submitted to prove otherwise.

Also, much was said by the proponents regarding the vast amount of rural area not being served by the power companies.

Well, I was present at the hearing. I was rather amazed at some of these statements—statements that I had never heard of before, I decided that probably I had better check into the matter of satisfying myself whether or not these statements were probably exaggerated or correct. I found these statements were more or less exaggerated.

Now, I do not want to take up too much time, but, if you will bear with me a few minutes, I would like to pass this information on to you, which I saw fit to gather to satisfy my own curiosity.

I want to assure you right here that this information I am giving you is authentic and can be verified by anyone who desires to do so.

Right here I might say that the gentleman from Strong, Mr. Richardson, in his remarks made a statement to the effect that some of the public utilities have changed their minds since 1935 and some have not. This is with reference, I gather, to extending their rural lines.

Well, now, here is what I found. Before I give you this information, I hope that that statement was made more with reference to public utilities outside of the State of Maine, because these figures that I have here indicate otherwise—that our public utilities or power companies in Maine do not have to change their minds. They are already doing that, and have continued to do so.

Now, as of February 1, 1941, which is quite recent, 13,362 farms or 63.5 per cent of the farms in the Central Maine Power Company's territory

had electric service available to them. Also, as of that same date, February 1, 1941, 2,005 farms, or 69 per cent of the farmers, in the Cumberland County Power & Light Company's territory had electric service available to them.

I hope you will keep some of these figures in your mind or jot them down.

Both of these companies had 15,367 farms in their territories to which electric service was available—or that means a percentage of 64.2 per cent, and this, mind you, as against an average for the entire state of only 50.4 per cent.

Now, the state-wide percentage of farms to which electric service was available in 1930 was 30.8 per cent. Six years later, in 1936, it had increased to 37.5 per cent. Four years after that, in 1940, it took quite a jump, to 50.4 per cent, which I just previously mentioned.

By these figures, you will find they gained twice as much in the last four years as they did in the previous six.

Now, some of you may be wondering just what all this means, in terms of miles of strictly rural lines.

From 1921 to 1941, a period of twenty years, the Central Maine Power Company—I would like you to keep these figures in mind, also—the Central Maine Power Company alone, mind you,—built 2,396 miles of strictly rural lines at a total cost of \$3,415,322. For the last four years they have averaged 218 1-4 miles per year, at an average cost of approximately \$290,000 per year.

Now, another very interesting fact is this: The miles of strictly rural lines of the Central Maine Power Company are 2,665 miles, out of a total of 4,512 miles, or 54.6 per cent, mind you, of all the distribution lines of that company.

Now, together, the Central Maine Power Company and Cumberland County Power and Light Company, have electricity available for 15,367 farms, out of 23,946 farms.

In addition to that, they serve 12,456 rural residential customers, whose property cannot be classified as farms.

Now, that is a very interesting thing to know. I do not recall of that having been mentioned at the public hearing, but this is a part of the information that I have got

since then. It might have been stated.

Now, how does Maine compare with the rest of New England? I think that would be an interesting thing to know. From December 31, 1930, to December 31, 1940, only one State in New England—which is Massachusetts—has electrified more farms than has Maine. In that period Maine electrified 7,646 farms, as compared to Massachusetts of 9,522 farms.

Now, when you compare the distances in Maine with Massachusetts, you must agree there is no comparison at all.

What do these things prove to me? They prove that at the public hearing many unjustified statements were made, by some of the proponents, in regard to the fact that power companies were not willing to extend their lines in the rural areas.

Now, if the building of 2,396 miles of strictly rural lines by the Central Maine Power Company alone—not together with the other companies but alone—2,396 miles, at a cost of nearly three and one half million dollars—does not mean willingness to serve rural area, then I ask you what the meaning of "willing" is?

To prove, further, that the Central Maine Power Company has not only been willing to electrify the rural area but has also been willing thereafter to keep their rural customers satisfied, I want to give you a concrete case which occurred in my town. This was about four years ago. At that time the people of my town, mind you, including my own self, felt that we were paying a too high rate for electricity. So what happened? We held a public hearing,—a public meeting as we call it in the town—to discuss the matter, and, if possible, decide what action we should take to get the rate reduced.

After discussing the matter at this public meeting for about two hours,—and, if any of you have ever attended rural town meetings, you know that they are pretty well drawn out,—after discussing it for two hours, everybody seemed to agree that we should petition the Public Utilities Commission to get a reduction in rates.

Well, I did not have a whole lot to say at that meeting, but, just before the vote of the meeting was taken, I asked if anybody had ever

taken the matter up with the Central Maine Power Company, in whose territory we were. Well, I was informed by the Chairman of the meeting that no one had done so, because, in a sort of off-hand manner, he said "Wouldn't do you any good, if you did." I said, "That is a pretty broad statement to make. I would like, for one, as a citizen and taxpayer and customer of that company, to see whether or not they will do something for us. Going to the Public Utilities Commission is rather a long drawn-out procedure; you have to go through certain legal formalities and hearings, and all that." So they finally decided on my suggestion, that they would contact the power company.

Well, what was the result? They contacted the Power Company and the result was that within a few months we did receive a reduction in rates. Well, was not that quite simple?

I wonder how many small towns have grievances against our power companies, and decide the only thing to do is to run to the Public Utilities Commission. I believe that if some of them used a little judgment in their local town affairs, and would first consult those concerned, that they would get better results.

I cite this case simply to further prove that the Central Maine Power Company has been in the past, and still is, willing to comply with reasonable requests.

While I am on this subject of rates, I would like just to call your attention to a recent rate reduction granted by the Central Maine Power Company. This reduction will save the domestic customers approximately \$75,000 annually.

I do not think anybody had to run to the Central Maine Power Company and ask for this reduction. I was given to understand this was a voluntary move, of their own, without any solicitation from anybody. It was a voluntary reduction in rates.

Now, to get back to the bill again, it has been said that the Federal government is going to finance these cooperatives. By so doing, naturally the government has a mortgage on them, the same as the F. H. A.—the Federal Housing set-up. They took mortgages on property, and what happened, if they defaulted payment to the Federal government?

We all know what happened. I had some very personal acquaintances who borrowed money from the F. H. A., and through reverses, in one form or another, defaulted on their payments. They said, "Oh, the government will never take the property back. They do not want to go into the real estate business." But I think you will all agree that the government has gone into the real estate business through their Federal Housing set-up, and what is to prevent us from at least assuming that if the cooperatives fail—and some of them might very well do so—we do not know anything about who the managers are going to be, whether they are qualified or not; they might fail just like the poor man who has borrowed from the F. H. A.—what is the government going to do? They have got an investment in that cooperative. I think you will all agree to that. Very likely some of these investments are going to be quite large, running up not only into \$50,000, but maybe \$200,000 or \$300,000 or half a million, maybe, in some cases.

What is the result, if that particular cooperative that the Federal government has a half million dollar investment in, and it fails, probably through no fault of the Federal government or any fault of the cooperative—only maybe lack of good management? The government is not going to say, "Sorry, boys, we are just going to forget it." The Federal government does not do business that way, and rightfully, too.

They are going to step in and protect their investment in that cooperative that has failed. Nobody can blame the Federal government for doing so.

What is going to be the result? If one or more, or maybe all of them should fail, through adverse circumstances, which might be brought about by the European disturbance—none of us can predict right now or a month from now what is going to happen to the utilities, the railroads or what-not—and that goes for the cooperatives as well.

I do not think that there is any need for me to explain further here, because I am not a lawyer; I cannot point out the technicalities from a legal point of view—I am just trying to give it to you from the layman's business judgment.

There is also another thing that has worried me as I have been sitting here this afternoon. There was some reference made by one of the proponents, I do not remember now which one—that there was a rumor that this was a New Deal measure. I admit I heard that rumor. I think we were told in the public hearing that it was not. The sponsor of this bill, I remember, very distinctly holding the bill up over his head—said “This is my bill. I am responsible for it and I will stick by it.” I took it for granted he originated it, from that. I am just wondering just where this did originate from. I wanted to satisfy my curiosity for this reason.

Just a few days ago, I received some information to the effect that the present session of the Vermont Legislature has rejected, by unanimous committee report, I understand, the identical bill. Well, now, if Maine has such a bill before it, and Vermont has such a bill before it, and probably various other states that we have not heard about have such bills before them—or almost identical, or practically identical bills—then it is my thought, and quite reasonable too, that this bill did come from some place else.

So I would just like to leave that thought with you and let you know that the Vermont Legislature has rejected a similar bill.

With these remarks, I hope that the motion of the gentleman from Strong, Mr. Richardson, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, it is getting late, and, if it is the desire to adjourn I do not want to speak, but, if we are to continue, I desire to speak for five or ten minutes.

The SPEAKER: The gentleman from Bridgton, Mr. Rankin, has the floor.

Mr. RANKIN: Mr. Speaker, I am only a fledgling member of this Legislature. I am simply trying to vote my convictions here. In one respect I think my course has been consistent. There have been certain measures that may be called farm bills and I have voted for every one of them. I hope to continue that record.

The gentleman from Yarmouth, Mr. Arzonico, gave us a very interesting and beautiful defense of the

Central Maine Power Company, but I did not know that was in issue this afternoon. Finally he seemed to recognize the fact that was true, and he said, “To return to the bill.” I must say that I was interested in the defense of the Central Maine Power Company, but I think it was totally irrelevant and has nothing to do with the matter. I think the Central Maine Power Company can look out for itself. My guess is that if we had these cooperatives, the Central Maine Power Company would flourish even more than it has in the past.

The gentleman from Portland, Mr. LaFleur, said he was not going to discuss the matter of rural electrification. I thought that was what we were discussing. I think he lived up to that statement. He did not really discuss it. What he did was give us reasons why farmers could not have it. That is old stuff, and very often we run across these objections why we cannot do this or that for our farming population.

The other day we voted against the action of a certain committee, the Judiciary Committee, on the bill of my friend, the gentleman from Livermore Falls, Mr. Grua. I will say to you that to me it was like the breath of tonic air to vote on that matter. I want to pay tribute to those gentlemen who voted in the minority, Mr. Grua and Mr. Mills. They are sensitive, as many members do not seem to be, to the needs of the farmers. I think it would be fine if some of us were a little more sensitive to the needs of the farmers. Our economic evils are rural evils.

We were given super-reasons why we could not adopt that proposal, yet we finally did adopt it. We are told in effect we cannot have these cooperatives. After all, that is the substance of it. Yet they are common in some of the states, especially out in the central west. I happen to think of a certain state in which these cooperative movements along this line precisely have gone further than any other state, and that is a great agricultural state in the central west. I lived next door to an old gentleman who happened to be a commercial traveller covering that whole section of the country. I said, “What is the finest city in the country?” And he named the metropolis of that state, a city of 600,000 people.

I watched carefully the vote we

took the other day by the yeas and nays. The vote was very significant. Predominating on one side were all the people from the farms and rural villages, and on the other side we had the votes of those who lived in the larger places of the State.

I am not going to discuss this rural electrification. If I did discuss it, I would want to discuss it from the point of view of getting electricity to the farmers, because it ought to be no longer considered a luxury. It has come to be a necessity, just as much as education for our children.

I will now sit down, because I promised not to talk over five or ten minutes. I just want to say that if we do not solve these farm problems, these agrarian problems, if we go on having these conditions such as we have in Aroostook County where 575 farms are vacant out of 700, then the grass will grow in the streets of Bangor and of Lewiston and Portland.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Brown.

Mr. BROWN: Mr. Speaker, I move that we adjourn.

The SPEAKER: The gentleman from Bangor, Mr. Brown, moves that the House adjourn. As many as are in favor of the motion of the gentleman from Bangor, Mr. Brown, that the House adjourn will say aye; those opposed no.

A viva voce vote being taken, the motion to adjourn did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: The proponents are satisfied that the House has been most patient, and we appreciate the courtesy of our able Speaker and the fine way in which this bill has been handled in this session. We of the proponents are satisfied to rest our case at this point and call for a vote on the original motion. We are not willing to do that until all of the opposition has had an opportunity to present any new evidence that they may have bearing upon the case, but if we are just assured that those who are opposed do not have some point that has not been previously brought

up, the proponents are ready for a vote.

The SPEAKER: The question before the House is on the motion of the gentleman from Strong, Mr. Richardson, that the bill be substituted for the "Ought not to pass" report of the committee. The Chair recognizes the gentleman from Farmington, Mr. Mills.

Mr. MILLS: Mr. Speaker, I ask for a roll call.

The SPEAKER: The gentleman from Farmington, Mr. Mills, asks for the roll call. Under the Constitution the yeas and nays are ordered upon the request of one-fifth of the members present. As many as are in favor of the vote being taken by the yeas and nays will rise and stand in their places until counted and the monitors have made and returned the count.

Mr. MILLS: Mr. Speaker, I withdraw that motion I made.

The SPEAKER: The gentleman from Farmington, Mr. Mills, withdraws his request for the yeas and nays. The question before the House is on the motion of the gentleman from Strong, Mr. Richardson, that the bill be substituted for the "Ought not to pass" report of the committee. As many as are in favor of substituting the bill for the "Ought not to pass" report of the committee will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the bill was substituted for the "Ought not to pass" report of the committee.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker and Members of the House: Some of the members looked at me with some disdain this afternoon when I did not move to adjourn, but the gentlemen were making a wonderful effort to present their arguments and I did wish this bill might be voted upon before we adjourned. I now move that the House adjourn.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the House now adjourn. Is this the pleasure of the House?

The motion prevailed, and the House adjourned until ten o'clock tomorrow morning.